



2005 Court Clerk Training Institute

FAMILY LAW COUNTER FILING
PROCEDURES



ADMINISTRATIVE OFFICE
OF THE COURTS

EDUCATION DIVISION/CENTER FOR
JUDICIAL EDUCATION AND RESEARCH

COURT CLERK TRAINING INSTITUTE 2003
FAMILY LAW COUNTER FILING

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JOINT PETITION FOR SUMMARY DISSOLUTION (FC §2400)

The Summary Dissolution is a simplified method of dissolving a marriage based on the parties meeting the conditions and adhering to the guidelines as set forth in the Summary Dissolution information booklet as approved by the Judicial Council.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Joint Petition for Summary Dissolution of Marriage – FL-800
- ☐ community property, separate property and obligations worksheets
- ☐ Declaration Regarding Service of Declaration of Disclosure – FL-141 (FC §2109) required by **both** parties

Fee \$ filing fee as required under GC §26820 unless there is a fee waiver by **both** parties under GC §68511.3 (indigent)

Check:

☐ **Joint Petition for Summary Dissolution of Marriage – FL-800**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ #2 complete with the date of marriage
- ☒ pages 9, 11 & 13 from the workbook are attached.
- ☒ #10 complete with **either** box (a) **or** box (b) checked. If (b) is checked a copy of the agreement must be attached (**the code does not state the agreement must be notarized**)
- ☒ #12 as applicable

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- ☒ #16 complete with name and mailing address of husband and wife
- ☒ date and signature by both parties, husband and wife

☐ **Declaration Regarding Service of Declaration of Disclosure (preliminary) – FL-141**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC 201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1-3 as appropriate
- ☒ date and signature of declarant

Process:

- ☒ assign a case number
- ☒ file stamp the petition
- ☒ file stamp the declaration regarding service of the declaration of disclosure and conform the copies

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Note:

- ☐ In the Joint Petition for Summary Judgment, there is **no** summons issued. Court jurisdiction is immediate over both parties upon filing.
- ☐ Only the preliminary Declaration Regarding Service of Declaration of Disclosure is required from both parties, not the final. (FC §2109)

SUMMARY REVOCATION (FC §2402)

The summary revocation is a formal notice to the court from either husband or wife terminating the summary dissolution proceedings and revoking the Joint Petition for Summary Dissolution. Either party at any time before the final judgment is filed may revoke the joint petition.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

-  Notice of Revocation of Petition for Summary Dissolution – FL-830

Check:



Court file

- ☒ for final judgment on file





Notice of Revocation of Petition for Summary Dissolution – FL-830

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ date joint petition was filed
- ☒ date and signature of filing party
- ☒ address of husband and wife are provided

Process:

- ☒ file stamp the revocation and conform the copies
- ☒ complete the Clerk's Certificate of Mailing
- ☒ insert date and clerk's name
- ☒ sign as deputy
- ☒ complete mailings as declared

Note:

-  This form is required in triplicate along with two (2) self-addressed stamped envelopes.
-  The revocation must be submitted prior to the entry of final judgment
-  Where a joint petition is revoked, either party may commence a dissolution proceeding using the same case number, within 90 days from the date of the filing of the revocation. The date the dissolution judgment becomes final shall be calculated by deducting the period of time that has elapsed from the date of filing the joint petition to the date of filing the revocation. FC §2342.
-  If a petition for dissolution is filed after the 90 days a new case must be opened and the appropriate initial filing fees charged.

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Judicial Council form FL-830 follows this page


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FINAL JUDGMENT OF SUMMARY DISSOLUTION (FC §2403)

The final judgment is the judgment of the court dissolving the marriage and thereby restoring the parties to the status of unmarried persons. It is made upon the request of either the husband or wife and is affective on the date the court grants the judgment. The clerk makes formal notice of the entry of judgment to the parties.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

-  Request for Final Judgment, Final Judgment of Dissolution of Marriage, and Notice of Entry of Judgment – FL-820



require two (2) self-addressed stamped envelopes with clerk's office address as return address

Check:

-  **Request for Final Judgment, Final Judgment of Dissolution of Marriage, and Notice of Entry of Judgment – FL-820**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ date joint petition was filed
- ☒ #1 and #3 completed appropriately
- ☒ date and signature of filing party (**may be submitted by either party**)
- ☒ #4 completed if appropriate – including signature of husband or wife
- ☒ address of husband and wife are provided on reverse side

Judgment of Dissolution of Marriage

- ☒ check either b, c, or d is completed as requested

Submit to the court for signature and after the court has signed the judgment:

Process:

- ☒ file stamp the judgment and conform the copies

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- ☒ complete #6 Notice of Entry of Judgment
- ☒ insert date and clerk's name
- ☒ sign as deputy
- ☒ complete the Clerk's Certificate of Mailing
- ☒ insert place and date of mailing
- ☒ insert date and clerk's name
- ☒ sign as deputy
- ☒ complete mailings as declared

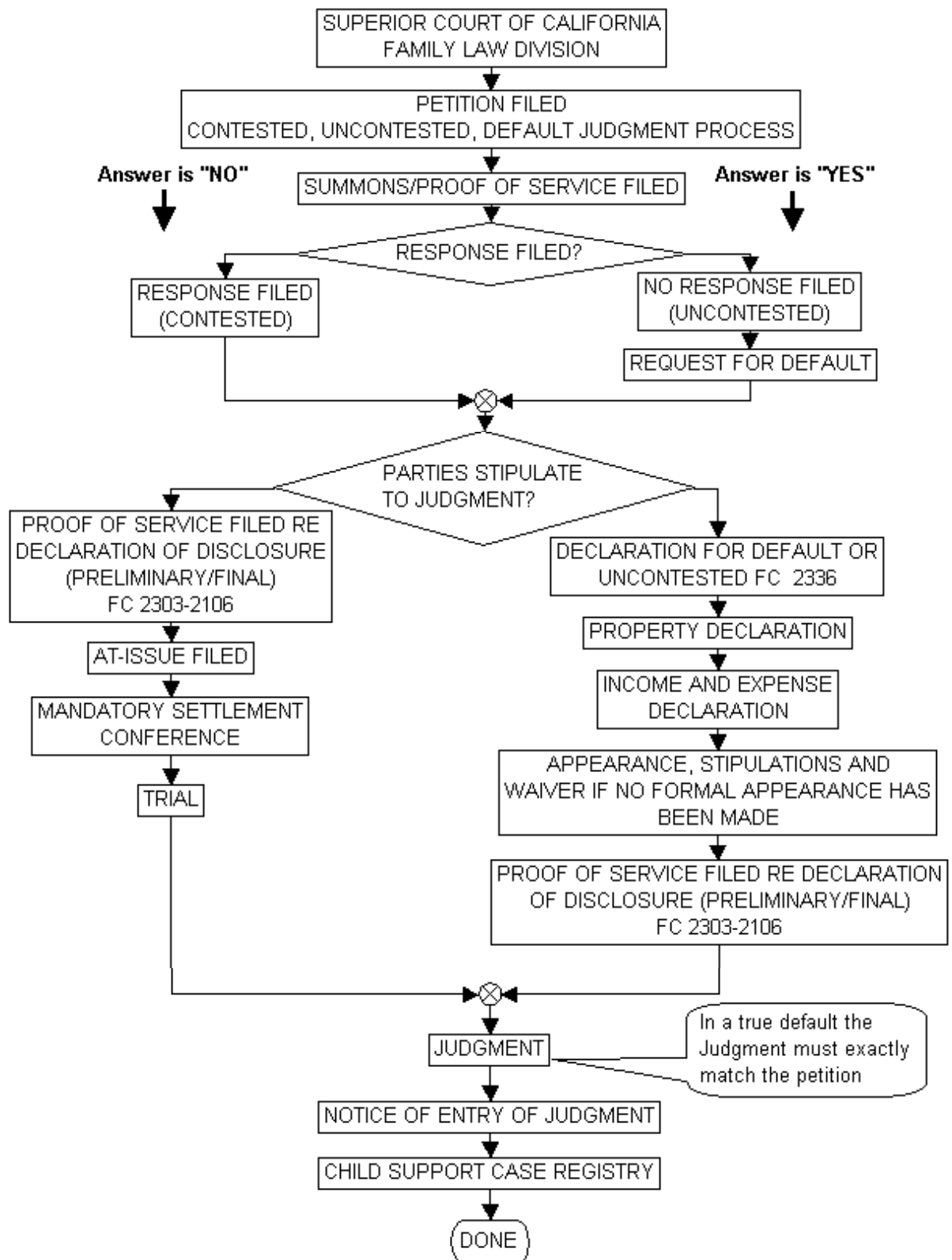
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Note:

- ☐ Final judgment may not be entered before the period of six-months has expired from the date of filing of the joint petition for summary dissolution (FC §2403).
- ☐ At any time before the filing of application for judgment pursuant to Section 2403, either party to the marriage may revoke the joint petition and thereby terminate the summary dissolution proceeding filed pursuant to this chapter. (FC §2402. (a))
- ☐ Either party may request their former name be restored. However, only the wife may request her maiden name or former name be restored pursuant to FC §2080 in a proceeding for dissolution regardless of whether or not a request for restoration of the name was included in the petition.

Judicial Council form FL-820 follows this page

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**PETITION FOR DISSOLUTION,
LEGAL SEPARATION OR NULLITY**
(FC §2330, §2210)

Filing a petition commences a proceeding for dissolution of marriage, legal separation or nullity of marriage to change ones marital status. Dissolution of marriage or divorce is granted for irreconcilable differences or incurable insanity. Petition for legal separation is filed when parties chose not to divorce or have not met the residential requirements. A petition for nullity sets forth grounds to void a marriage based on incest, bigamy, under age, prior marriage, unsound mind, fraud, force or physical incapacity.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Petition – FL-100
- ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105 (**required if there are minor children of the parties**)

Fee \$ filing fee as required under GC §26820.4 unless waived under GC §68511.3 (indigent)

Check:

☐ **Petition – FL-100**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ petitioner and respondent names in case caption
- ☒ type of action checked – dissolution, legal separation or nullity. If dissolution is checked #1 **must** be completed establishing residency
- ☒ each of the other sections (#2 through #7) should be completed as is appropriate. (If 3d is checked, a completed voluntary declaration of paternity must be attached.)
- ☒ date and signature of petitioner and attorney if represented

☐ **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information
- ☒ date and signature of declarant

Process:

- ☒ assign a case number
- ☒ file stamp the petition and conform the copies

**PETITION FOR DISSOLUTION,
LEGAL SEPARATION OR NULLITY OF DOMESTIC PARTNERSHIP**
(FC §299, 2330 CRC Rule 5.28)

Filing a petition commences a proceeding for dissolution, legal separation or nullity of domestic partnership. Dissolution of domestic partnership is granted for irreconcilable differences or incurable insanity. Petition for legal separation is filed when parties chose not to dissolve the domestic partnership. A petition for nullity sets forth grounds to void a domestic partnership based on incest, bigamy, under age, prior marriage or domestic partnership, unsound mind, fraud, force or physical incapacity.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Petition – FL-103
- ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105 (**required if there are minor children of the parties**)

Fee \$ filing fee as required under GC §26820.4 unless waived under GC §68511.3 (indigent)

Check:

☐ **Petition – FL-103**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ petitioner and respondent names in case caption
- ☒ type of action checked – dissolution, legal separation or nullity.
- ☒ each of the other sections (#1 through #7) completed as applicable
- ☒ date and signature of petitioner and attorney if represented

☐ **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105 [Detailed instructions on A-14]**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information if confidential box is marked in address it is not necessary to disclose address
- ☒ date and signature of declarant

Process:

- ☒ assign a case number
- ☒ file stamp the petition and conform the copies

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SUMMONS

(CCP §412.10, §412.20, FC §231, §232 & §7700, CRC §5.110)

The summons is the instrument by which the court acquires jurisdiction of the respondent. Upon payment of all applicable fees, the petitioner may submit the summons to the clerk for issuance. The summons contains a direction to the respondent that he/she must file with the court a response (FL-120) to the petition within 30 days of the service of the summons. The summons advises the respondent the consequences of not filing a response and advises him/her to contact an attorney if legal advice is needed. Also included in the summons are the automatic restraining orders required by statute. The summons is directed to the respondent, signed by the clerk and issued under the seal of the court.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

 Summons – FL-110

Check:

 **Summons – FL-110**

- ☒ #1 correct court title and address
- ☒ #2 filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct case name and number
- ☒ names of the petitioner and respondent exactly as they appear on the petition

Process:

- ☒ affix the court seal
- ☒ insert date and the court clerk's name (if not preprinted for your court)
- ☒ sign as deputy
- ☒ file stamp the original summons and conform the copies

Note:

- ☐ Effective January 1, 2002, the clerk must not return the original summons, but must maintain it in the file. (CRC §5.110) This only pertains to Dissolution actions.
- ☐ Both parties are bound by the Restraining Orders contained on the Summons. (FC §2040)

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**DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION
AND ENFORCEMENT ACT (UCCJEA)
FC 3400 & 3409**

A party to a child custody proceeding, including a modification proceeding to enforce or register a child custody determination, **is required** to file a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act with the court.

Require:

Pleadings – presented on the forms as adopted for optional use by the Judicial Council:

- ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act – FL-105

Check:

☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 through 7 completed as appropriate
- ☒ date and signature of declarant

Process:

- ☒ file stamp the original Declaration Under Uniform Child Custody and Enforcement Act and conform the copies

Notes:

- ☐ Both parties must file separately the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act.
- ☐ This form must be attached to the Petition/Response (see #3c of each form).

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AMENDED PLEADINGS (CCP §472, CRC §5.108(b))

To amend a pleading is to change, correct or revise that pleading. It is done with the intent of improving the initial pleading by removing defects or faults.

Require:

Pleadings – presented in the format or forms as adopted for use by the Judicial Council:

Check:

Amended Petition – FL-100 (mandatory use)

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ caption correctly reflects “Petition for and ☐ Amended”

Amended Response – FL-120 (mandatory use)

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ caption correctly reflects “Response ☐ and request for and ☐ Amended”
- ☒ check for proof of service

Process:

- ☐ file stamp the amended pleading and conform the copies
- ☐ if amended petition, issue amended summons

Notes:

- ☐ A petition may be amended once (FIRST amended) without leave of court if it is filed before a response to the initial petition. (CCP §472)
- ☐ An amended petition beyond the FIRST will require leave of court. (CCP §473)
- ☐ NO LEAVE OF COURT is required to amend if amending the petition to reflect a change from legal separation to dissolution due to residency. (FC 2321)
- ☐ No leave of court is required to amend the petition from a nullity to dissolution. The court acquires jurisdiction of the respondent at the time the petition for dissolution is served.
- ☐ A response may be amended once without leave of court pursuant to CCP §472, if it is filed within ten (10) days after the original response was filed.
- ☐ **Be sure the pleading properly reflects “first amended,” “second amended,” etc.**

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PROOF OF SERVICE (CCP §415.10, §417.40)

The proof of service is the document filed with the court record to provide formal proof that a petition and summons were officially served on the respondent in the action. It can be used to establish court jurisdiction over respondent. The proof of service contains an affidavit of the person effecting service showing the date and manner of service and other requirements as set forth by the Code of Civil Procedure.

Require:

Pleadings – presented on the forms as adopted for optional use by the Judicial Council:

-  Proof of Service of Summons – FL-115

Check:

 **Proof of Service of Summons – FL-115**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 a, b, c or d depending on what type of petition was filed
- ☒ e (1), e(2), e(3), e(4), e(5), e(6), e(7), e(8) completed as applicable
- ☒ #2 must be completed, including city and state where served
- ☒ #3 Service Information
 - manner of service
 - a. personal service
 - b. substituted service – name and title of person copies were left with and 1 or 2 where left

Page 2

- b. (continued) proof of mailing and attach separate declaration of diligence
 - c. mail and acknowledgment, **attach** completed Notice and Acknowledgment of Receipt; for an address outside California certified mail – attach signed return receipt
 - d. other – specify code section
- ☒ #4 – completed as applicable
- ☒ #5 – complete information of person who served the papers
- ☒ #6 and 7 – completed as applicable
- ☒ date and signature of person who served papers

Process:

- ☒ file stamp the original proof of service and conform the copies

Note:

-  Service can be effected by publication or posting.

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NOTICE & ACKNOWLEDGMENT OF RECEIPT – FAMILY LAW

A summons may be served by mail as provided in Code of Civil Procedure (CCP) §415.30. A copy of the summons and of the petition shall be mailed (by first-class mail or airmail, postage prepaid) to the person to be served, together with two copies of the notice and acknowledgment provided for in subdivision (b) and a return envelope, postage prepaid, addressed to the sender.

Require:

Pleadings – presented on the form as approved for use by the Judicial Council:

-  Notice and Acknowledgment of Receipt – Family Law – FL-117

Check:

Notice and Acknowledgment of Receipt – Family Law – FL-117

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ date and signature of sender (**must not** be a party in the case)



Acknowledgment of Receipt

- ☒ sender must complete appropriate - a, b, c, d, e (1), e(2), e(3), e(4), e(5), e(6), e(7)
- ☒ date and signature by **recipient**

Process: It will depend upon your court's policy if this will be accepted alone, or must be attached to the proof of service.

- ☒ file stamp the appearance, stipulations, and waivers and conform the copies

Note:

-  Service of a summons pursuant to this section is deemed complete on the date a written acknowledgement of receipt of summons is executed, if such acknowledgement thereafter is returned to the sender.
-  If the person to whom a copy of the summons and of the complaint are mailed pursuant to this section fails to complete and return the acknowledgement form set forth in subdivision (b) within 20 days from the date of such mailing, the party to whom the summons was mailed shall be liable for reasonable expenses thereafter incurred in serving or attempting to serve the party by another method permitted by this chapter, and, except for good cause shown, the court in which the action is pending, upon motion, with or without notice, shall award the party such expenses whether or not he is otherwise entitled to recover his costs in the action. (FC §415.30(d))

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**RESPONSE FOR DISSOLUTION, LEGAL SEPARATION OR NULLITY
(FC §2020, CRC §5.108)**

The response is the formal written statement made by a respondent setting forth the ground of their reply. The form of the response allows the respondent to respond to those same issues as initiated in the petition.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

- ☐ Response – FL-120
- ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105 (**required if there are minor children of the parties**)
- ☐ **Proof of Service – either FL-330 or FL-335**

Fee \$ filing fee as required under GC §26820.4 unless waived under GC §68511.3 (indigent)

Check:

☐ **Response – FL-120**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ each of the other sections (#1 through #9) should be completed as is appropriate.
- ☒ date and signature of respondent and attorney if represented

☐ **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information
- ☒ date and signature of declarant

☐ **Proof of Service – FL-330 or FL-335**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information
- ☒ date and signature of person who served the papers

Process:

- ☒ file stamp the documents submitted and conform the copies

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**RESPONSE –DOMESTIC PARTNERSHIP
(FC §2020, 299)**

The response is the formal written statement made by a respondent setting forth the ground of their reply. The form of the response allows the respondent to respond to those same issues as initiated in the petition.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

- ☐ Response – FL-123
- ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105 (**required if there are minor children of the parties**)

Fee \$ filing fee as required under GC §26820.4 unless waived under GC §68511.3 (indigent)

Check:

☐ **Response – FL-123**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ each of the other sections (#1 through #9) should be completed as applicable
- ☒ date and signature of respondent and attorney if represented

☐ **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105 [Detailed instructions on page A-14]**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information
- ☒ date and signature of declarant

☐ **Proof of Service – FL-330 or FL-335**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information
- ☒ date and signature of person who served the papers

Process:

- ☒ file stamp the documents submitted and conform the copies

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Judicial Council form FL-123 follows this page

APPEARANCE, STIPULATIONS, AND WAIVERS

An appearance is the coming into court as a party to a suit. The filing of certain pleadings such as the Appearance, Stipulations, and Waivers, constitutes an appearance. A waiver is a legal instrument, which records the act of intentionally or voluntarily relinquishing a known right or privilege.

Require:

Pleadings – presented on the form as approved for use by the Judicial Council:

 Appearance, Stipulations, and Waivers – FL-130

Fee \$ appearance fee for the respondent is due **unless**

1. previously paid or waived under GC §68511.3 (indigent)
2. **if the respondent is a member of the military and checks box #3, no fee is due – GC 26857.5**

Check:



 **Appearance, Stipulations, and Waivers – FL-130**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ each of the other sections (#1 through #12) should be completed as is appropriate.
- ☒ date and signature by **both** stipulating parties and their attorneys of record if applicable.

Process:

- ☒ file stamp the appearance, stipulations, and waivers and conform the copies

Note:

-  Pursuant to Government Code §26826 an appearance fee must not be charge to file “...A marital settlement agreement which is signed by a defaulted respondent and intended for incorporation in a proposed decree of dissolution of marriage...”
-  If this form were filed simultaneously with the petition, it would be considered the jurisdiction date and a filing fee would be collected.

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JURISDICTION (CCP §410.50, §410.70)

The jurisdiction of the respondent in an action is the power of the court to subject that party to decisions and rulings made in that case. Jurisdiction may be acquired by the appearance of the respondent in the action **or** by proof of proper service on the respondent. When a default is entered, the jurisdiction has usually been established by the proof of service.

The following is a table of establishing the jurisdiction date based on the type of service:

TYPE OF SERVICE	DATE OF JURISDICTION
Personal Service CCP §415.10	Date of delivery
Substituted Service (with follow-up mailing) CCP §415.20(b)	10 th day after date of mailing (not counting date of mailing)
Mail with Notice and Acknowledgement of Receipt CCP §415.30	Date notice form is signed by Respondent (not the date of receipt)
Certified Mail (outside California; in or out of the U.S.) CCP §415.40 & 413.20	10 th day after date of mailing (not counting date of mailing)
Publication CCP §415.50 GC §6064	28 th day after first date of publication, including the first day, or add six days to the last date of publication
Posting CCP §413.30 <i>Cohen v. Board of Supervisors for the County of Alameda</i> (1971) 20 CalApp. 3d 236	28 th day after the first date of posting

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DEFAULT
(CCP §585 & §587 CRC §5.122 & 5.124)

A “default” is a flexible term for the omission of that which a person ought to do. In a domestic (or family law) case, it is the failure of the respondent to answer or respond to the petition.

Upon request, or application, of the petition that default be entered as to respondent, the clerk enters the default (the failure or respondent to appear) in accordance with CCP §585-587.

A default may NOT be entered against the respondent if the respondent has appeared in the action by filing one or more of the following (CCP §585 & CRC 5.120).



DO NOT ENTER DEFAULT IF:

- ⊗ response has been filed
- ⊗ appearance, stipulations, and waivers filed
- ⊗ motion to strike pending
- ⊗ motion to quash service of summons pending
- ⊗ motion to transfer pending

Note:

- ☐ If both parties have filed pleadings, there may be no default entered on an amended pleading of either party. CRC 5.108
- ☐ If the respondent has filed any of the above motions, you may enter default **following** the hearing if the ruling permits. (CCP §586, CRC §5.122)
- ☐ If the Petition was filed before January 1, 2001, the original summons or Declaration re Lost Summons pursuant to CCP §1045 must be filed.
- ☐ Soldiers and Sailors Relief Act: (*50 U.S.C. App. § 513*) (1) Whenever pursuant to any of the provisions of this Act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers, accommodation makers, and others, whether primarily or secondarily subject to the obligation or liability, the performance or enforcement of which is stayed, postponed or suspended.

Check:



Court file

- ☒ for any of the above filings that would preclude entry of default
- ☒ proof of service if not submitted with the request to enter default



Proof of Service of Summons – FL-115

- ☒ for complete information upon which to base jurisdiction (see procedures under Proof of Service)

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Schedule to establish time lines for the soonest time defaults may be entered:




TYPE OF SERVICE	WHEN DEFAULT MAY BE ENTERED
Personal	_____ day after date of _____
Substituted	_____ day after date of _____
Notice & Acknowledgment	_____ day after _____ _____
Certified Mail	_____ day after date of _____
Publication	_____ day after _____ _____
Posting	_____ day after date of _____

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REQUEST TO ENTER DEFAULT (CCP §585 & §587)

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

-  Proof of Service of Summons – FL-115
-  Request to Enter Default – FL-165
-  Envelope – if dissolution or legal separation case, stamped envelope addressed to respondent with the court’s address as return address (FC §2335.5)

Check:

 **Request to Enter Default – FL-165**

- ☒ submitting party information-name, address, and phone of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ #2 – one box must be checked from Income & Expense Declaration and one box for Property Declaration
- ☒ if either is marked “attached” the appropriate form must be completed and attached
- ☒ if either is marked “not attached” one of the boxes in a through f must be checked
- ☒ date and signature of petitioner/attorney
- ☒ #3 Declaration must be completed
 - #3a or b must be checked
 - if b is checked, the address of respondent’s attorney, or if none, respondent’s last known address must be completed
- ☒ date and signature of declaring party

(Page 2)

- ☒ #4 Memorandum of Costs must be completed if applicable
- ☒ #4a or 4b
- ☒ date and signature of declarant
- ☒ #5 Declaration of Nonmilitary Status must be completed if Respondent is not in the military.
- ☒ date and signature of declarant

Process:

- ☒ file stamp proof of service and any other supporting documents that have not been previously filed
- ☒ file stamp the Request to Enter Default with any attachments and conform the copies

Enter the default – in “**FOR COURT USE ONLY**” box enter:

- ☒ date Request for Default was mailed
- ☒ date Default was entered

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- ☒ clerk's name
- ☒ sign as deputy
- ☒ mail conformed copy of Request to Enter Default to the respondent (FC §2335.5 – dissolution or legal separation)

Note:

- ☐ Postage prepaid envelope with matching address must be provided for the mailing with the court as the return address (FC §2335.5).
- ☐ The date of mailing CANNOT precede the date of filing.
- ☐ The declaration must be executed in California **or** “under the laws of the State of California.”
- ☐ When there is property subject to disposition by the court, the petitioner must file a Property Declaration.
- ☐ When there are issues of child or spousal support, attorney fees or costs, the petitioner must file a current Income and Expense Declaration.
- ☐ Completion of the “For Court Use Only” section for the Default NOT entered. Reason: Depends upon each court’s policy. For example if there is a response on file and the court receives the request to enter default it is a good policy to file the request and complete the “For Court Use Only” section indicating the default was not entered as there is a response on file. This allows the court file to properly track documents submitted for filing.
- ☐ If the envelope is returned by the Postal Service it must be maintained in the court file. (FC §2335.5)

Judicial Council form FL-165 follows this page

DECLARATION OF DISCLOSURE (FC §2103 - 2111)

The Declaration of Disclosure sets forth all assets, debts and liabilities the declarants have or may have an interest in. Both the preliminary and the final declaration of disclosure must be served on the other party with certain exceptions as indicated in the code section.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

- ☐ Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration – FL141
- ☐ Stipulation and Waiver of Final Declaration of Disclosure-FL-144

Check:

☐ **Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration – FL141**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1-4 as appropriate
- ☒ #1 and #3 completed appropriately
- ☒ date and signature of declarant

Process:

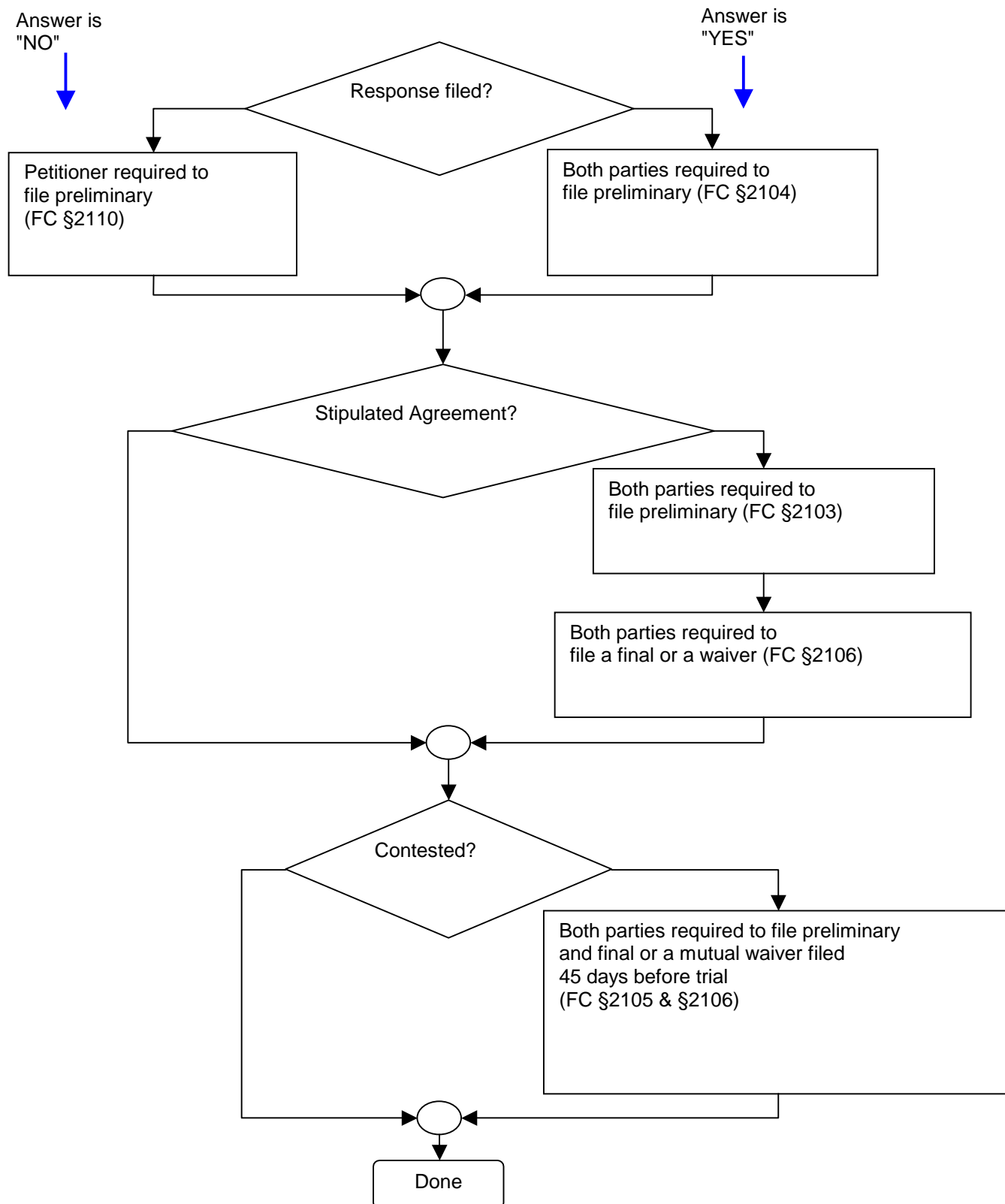
- ☒ file stamp the Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration and conform the copies

Note:

- ☐ As of January 1, 2003, the attorney of record can sign the Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration. FC §2106
- ☐ The Declaration of Disclosure shall not be filed with the court, except on court order; *however, the parties shall file proof of service of the preliminary declaration of disclosure with the court.* FC §2104(b)
- ☐ The parties may stipulate to a mutual waiver of the requirements concerning the final declaration of disclosure, by execution of a waiver ***under penalty of perjury*** entered into in open court ***or by separate stipulation.*** FC §2105(d) The specific representations of the waiver is included in FC §2105(d)(1)(2)(3)(4)&(5).
- ☐ FC §2106 - Each party, or his or her attorney, shall execute and file with the court a declaration signed under penalty of perjury stating that service of the final declaration of disclosure and current income and income and expense declaration was made on the other party of that service of the final declaration of disclosure has been waived pursuant to FC §2105(d) above or FC §2110 (re default judgments). Judicial Council has developed a form for “optional” use FL-144.

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DECLARATION OF DISCLOSURE FLOW CHART







Judicial Council forms FL-141, FL-144 and FL-140 follow this page

AFFIDAVIT JUDGMENTS (FC §2336)

Affidavit judgments are uncontested or stipulated judgments in dissolution or legal separation (FC §2336(a) actions that are granted on the pleadings and require no hearing (proof of the grounds alleged is by affidavit rather than testimony taken before the court).

Require:






Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

-  Declaration for Default of Uncontested Dissolution or Legal Separation – FL-170
-  Judgment – FL-180 (with attachments indicated in item #4 of form)
-  Notice of Entry of Judgment – FL-190
-  Child Support Case Registry – FL –191 (only when child support is ordered by the court)



Envelopes – self-addressed stamped envelopes to petitioner and respondent or attorney's if applicable, with the courts return address FC §2338.5(c).

Additional forms that may be submitted:

-  Appearance, Stipulations, and Waivers – FL-130
-  Earnings Assignment Order for Spousal Support – FL-435
-  Stipulation to Establish or Modify Child Support and Order – FL-350
-  Child Support Case Registry – FL-191
-  Order/Notice to Withhold Income for Child Support – FL-195

Check before proceeding with the processing of the documents:



Court file for:

Petition – FL-100

To verify request is for dissolution of marriage or legal separation and **not** nullity. If request is for Nullity search through the file to see if the petition was amended. **Judgment for Nullity may not be obtained by affidavit, but must be set for hearing.**

Request to Enter Default – FL-165

To verify it was entered properly or that an Appearance, Stipulations, and Waiver was filed- either of which then allows the parties to proceed uncontested and by affidavit.


Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration – FL-141

A true default requires only the preliminary to be filed by petitioner.

Response – FL-120

If a Response is filed an Appearance, Stipulations, and Waivers must be filed or check the marital settlement agreement, stipulated judgment, or any attachment to the judgment that has been signed and approved by the opposing party with the language **“The parties stipulate this cause may be tried as an uncontested matter.”**

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 **Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration – FL-141** Preliminary Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration is required from both parties; and final from both or separate waiver of the final from both.

Consolidated cases:

When 2 petitions for dissolution are filed, the court may order the second one filed to be deemed the response and the date of filing of that second petition becomes the date the court acquired jurisdiction over that party.

**DECLARATION FOR DEFAULT OR UNCONTESTED
DISSOLUTION OR LEGAL SEPARATION (FC §2336)**

An affidavit submitted pursuant to this section shall contain a stipulation by the affiant that the affiant understands that proof will be by affidavit and that the affiant will not appear before the court unless so ordered by the court.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:
Declaration for Default of Uncontested Dissolution or Legal Separation – FL-170

Check:

**📄 Declaration for Default or Uncontested Dissolution or Legal Separation – FL-170
(CRC §1241 & FC § 2336)**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ Dissolution or Legal Separation box must be checked in the caption and must match the request in the petition.
- ☒ #3 – submitting party must check the appropriate box. Both boxes may be checked if a response is on file
- ☒ #4 – appropriate box must be checked
 - #4(a) if default filed, **or**
 - #4(b) if an Appearance, Stipulations, and Waivers is filed or if they have stipulated to proceed uncontested in a stipulation, attachment to judgment or MSA
- ☒ #5 – one box must be checked
 - #5(a) is checked if an agreement, or stipulated judgment signed by the parties is submitted or previously submitted and filed. An original or copy of an agreement may be submitted
 - #5(b) is checked indicating there is no agreement or stipulated judgment
 - #5(b) must have #1 or #2 checked
- ☒ #6 a, b, or c must be checked as applicable
- ☒ #7 - must be checked if there are minor children
- ☒ #8 – must be checked if there are minor children
- ☒ #9 – a, b, c, or d must be checked as applicable
- ☒ #10 – 16 checked as applicable
- ☒ **#19 – 21 STATEMENTS IN BOX APPLY ONLY TO DISSOLUTIONS**
- ☒ **#22 STATEMENT APPLIES ONLY TO LEGAL SEPARATIONS**
- ☒ #23 optional use

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- ☒ dated and signed by declarant (submitting) party. *Cannot be signed by attorney. May be signed by Legal Guardian, Guardian ad Litem or Conservator. General Power of Attorney is not acceptable.

Process:

- ☒ file stamp the Declaration for Default or Uncontested Dissolution or Legal Separation and conform the copies

Note:

- ☐ Sometimes both parties will submit declarations. Accept both only if an Appearance, Stipulations, and Waivers is on file or the respondent has stipulated to proceed uncontested.

Judicial Council form FL-170 follows this page

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JUDGMENT (FC §2024, §2340, §2343, §2346)

The determination or decision of a court, which may be final, putting an end to the case

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:








Judgment – FL-180

Check:

 **Judgment – FL-180**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title (must appear exactly as on the original summons and petition)
- ☒ correct case name and number
- ☒ indicate what type of judgment is being sought in caption, nullity must be set for hearing
- ☒ date marital status ends need not be complete. Court Clerk will enter date after all documents are checked. (**Legal separation and nullity will not have a marital status ends date**)
- ☒ #1 – completed as applicable
- ☒ #2 - completed appropriately
- ☒ #3 – date must be completed and should be verified by checking documents in the file or submitted with the judgment
- ☒ #4 - completed as applicable
check to ensure “a – p” are marked as appropriate

 **Attachment pages to the judgment:**

- ☒ issues of child custody, visitation, and support **must be addressed** depending on what was marked in k through m.. These issues can be addressed through a marital settlement agreement, stipulated judgment or one of the following designated attachments.
-  Child Custody and Visitation Order Attachment – FL-341
-  Child Support Information and Order Attachment – FL-342
-  Non-Guideline Child Support Findings Attachment – FL-342(A)
-  Stipulation to Establish or Modify Child Support Order – FL-350
-  Spousal or Family Support Order – FL-343
-  Stipulation to Establish or Modify Child Support and Order – FL-350 satisfies the support language if completed correctly
-  Child Support Case Registry Form – FL-191
- ☒ Per **FC 4065**, stipulated child support agreement must contain an acknowledgment by the parties that declares the following:
“However, the court shall not approve a stipulated agreement for child support below the guideline formula amount unless the parties declare all of the following:
(1) They are fully informed of their rights concerning child support.

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- (2) The order is being agreed to without coercion or duress.
- (3) The agreement is in the best interests of the children involved.
- (4) The needs of the children will be adequately met by the stipulated amount.
- (5) The right to support has not been assigned to the county pursuant to Section 11477 of the Welfare and Institutions Code and no public assistance application is pending.”

***If the custodial parent is receiving public assistance, the attorney for the Department of Child Support Services signature is required.**

***Child support orders must reflect the following language per FC 3901(a):**

“The duty of support imposed by Section 3900 continues as to an unmarried child who has attained the age of 18 years, is a full-time high school student, and who is not self-supporting, until the time the child completes the 12th grade or attains the age of 19-years, which ever occurs first...”



MARITAL SETTLEMENT AGREEMENTS (MSA):

Marital Settlement Agreements may be submitted in addition or in place of the attachments to judgment. An MSA and addendum requires the signatures of both parties. The signature of respondent must be notarized if default was entered against respondent pursuant to FC §2338.5(a).

Process:

- ☒ submit the judgment to the court for signature
- ☒ after court signs file stamp and conform the copies inserting the date and judge’s stamp on the second page of the judgment unless the box is marked indicating signature follows last attachment.
- ☒ Complete date marital status ends

Note:

- ☐ Nullity may not proceed by FC §2336 affidavit.
- ☐ Termination of marriage must be at least 6 months plus one day from the date of jurisdiction - FC §2339.
- ☐ If no child support is being ordered at this time, then the issue of child support must be RESERVED and the language in FC §4065 is included.
- ☐ All support orders (child, family and spousal) must have a commencement date.
- ☐ Per FC §3751 the court requires health insurance coverage for the supported child(ren) that shall be maintained by either or both parents if that insurance is available at no cost or at reasonable cost to the parent or parents.
- ☐ Provisions must be made in the judgment for medical/dental expenses, which may exceed the insurance provided by either party.
- ☐ The wife or husband may request their former name be restored. If judgment has already been entered, the requesting party may refer to the Ex Parte Application for Restoration of Former Name and Entry of Judgment and Order – FL –395.
- ☐ Bifurcation caution (if applicable) – Status only should state “Family Code §215 shall not apply until after entry of Judgment on Reserved Issues,” otherwise,

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future documents must be served on the opposing party as well as the attorney of record.

- ☐ FC §6360 provides that protective orders may be included in a judgment, however, FC §6361 requires that the judgment then state on its face:
- a) which provisions of the judgment are the orders and
 - b) the expiration date of the orders

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NOTICE OF ENTRY OF JUDGMENT (FC §2338, 7636 & 7637)

The notice of entry of judgment is the notice the parties receive the court has entered the judgment.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

-  Notice of Entry of Judgment – FL-190

Check:

 **Notice of Entry of Judgment**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ date judgment entered (the date clerk file stamped the judgment)
- ☒ #1-8 completed appropriately


Process:

- ☒ file stamp the Notice of Entry of Judgment
- ☒ complete date and clerk's signature
- ☒ insert marital termination date in *warning box*

Clerk's Certificate of Mailing section

- ☒ clerk completes place of mailing
- ☒ clerk completes date of mailing
- ☒ date and clerk's signature

Note:

-  A copy of the face page of the judgment is mailed to:
Vital Statistics, 304 F Street, Sacramento, CA 95814
(Health & Safety Code §103200)

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CHILD SUPPORT CASE REGISTRY (FC §4014)

Pursuant to Family Code §4014 any time a child support order is entered or modified the parties are required to file with the court the Child Support Case Registry Form. The only time the parties are not required to submit the form is if the local child support agency is not providing child support services pursuant to Family Code §17400.

The judgment or order shall specify that each parent is responsible for providing his or her own information, that the information must be filed with the court within 10 days of the court order, and that new or different information must be filed with the court within 10 days after any event causing a change in the previously provided information.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

-  Child Support Case Registry Form – FL-191

Check:

 **Child Support Case Registry Form**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ correct information as seen below



CHILD SUPPORT CASE REGISTRY FORM			
<input type="checkbox"/> Mother	<input type="checkbox"/> First form completed		
<input type="checkbox"/> Father	<input type="checkbox"/> Change to previous information		

- ☒ #1-7 completed appropriately
- ☒ date and signature of person completing the form

Process:

- ☒ **DO NOT** file stamp, but **DO** receive stamp
- ☒ pursuant to your court policy route original to the agency listed below
- ☒ maintain the copy pursuant to your court policy, however please note it is not to be maintained in the “Court” file.

Note:

-  The original form is mailed to:
California Department of Child Support Service
Technology Services Division MS-40
PO Box 419064
Rancho Cordova, CA 95741-9064
-  It will be up to your court’s policy as to how to enforce receiving these forms. Some court’s will not process the judgment or order submitted until the party submitting the order provides a completed FL-191.

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ORDER TO SHOW CAUSE

(FC §215, 270 et seq., 3000 et seq., 3500 et seq., & 4300)

An Order to Show Cause (OSC) is a court order commanding a litigant to appear in court at a specific date and time, and to show cause to the court's satisfaction why he or she should not be compelled to perform a certain act (or cease a certain act).

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Order to Show Cause – FL-300
- ☐ Application for Order and Supporting Declaration – FL-310 (attachment)

If support or attorney fees are issues:

- ☐ Income and Expense Declaration – FL-150
- ☐ Financial Statement (Simplified) FL-155

Optional:

- ☐ Property Declaration – FL-160
- ☐ Temporary Orders – FL-305

Fee \$ filing fee as required under GC §26830

Check:

☐ **Order to Show Cause**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ appropriate boxes checked in title indicating type of OSC and/or modification
- ☒ #1 – must name the party ordered to appear
- ☒ #2 - must be complete
 - #2a complete date, time and dept/room of hearing
 - #2b – either –box checked indicating the court address is the “same as noted above” **or** -the court address must be provided if other than that noted in court title
 - #2c – must be completed if custody and visitation is being addressed
- ☒ #3 -appropriate boxes must be checked
- ☒ if #3b is completed re Order Shortening Time it must be requested in #8 on page 2 of the Application for Order and Supporting Declaration

☐ **Application for Order and Supporting Declaration (attachment)**

- ☒ Correct case name and number
- ☒ #1 though #10 – appropriate boxes checked and information completed depending on what is being requested
- ☒ date and signature of applicant

Process:

- ☐ depending on court policy submit to judge for signature or affix facsimile signature on Order to Show Cause
- ☐ file stamp the Order to Show Cause and conform the copies

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TEMPORARY ORDERS

(FC §2045, 6224, 6226, 6302, 6320-6326, 6380-6383)

A temporary order is one, which is of temporary, or short, duration as opposed to a permanent order. The temporary order is usually ordered in conjunction with a hearing date, at which date the temporary order will expire and permanent orders may or may not be granted.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Temporary Orders – FL-305
(In addition to the OSC forms)
- ☐ Declaration regarding notice (CRC 379) (If ex parte hearing is required pursuant to your local court policy.)

Check:

☐ **Temporary Orders**

- ☒ correct case name and number
- ☒ #1 – 5 completed as appropriate
- ☒ date and signature of the court

Process:

- ☒ file stamp the Order to Show Cause and conform the copies (see procedures re Order to Show Cause)
- ☒ if required complete clerk's certificate

Notes:

- ☐ Verify #3c on the Order to Show Cause is marked.
- ☐ Verify #1 through 7 on the Application for Order and Supporting Declaration form are complete with the boxes “to be ordered pending the hearing” checked reflecting the temporary orders sought.
- ☐ **The temporary order is an attachment to the Order to Show Cause only.**


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**APPLICATION AND ORDER FOR REISSUANCE OF ORDER TO SHOW
CAUSE**
(CCP §527(d))

A temporary order is one, which is of temporary, or short, duration as opposed to a permanent order. The temporary order is usually ordered in conjunction with a hearing date, at which date the temporary order will expire and permanent orders may or may not be granted.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

 Application and Order for Reissuance of Order to Show Cause – FL-306

Fee \$ filing fee as required under GC §26830

Check:


 **Application and Order for Reissuance of Order to Show Cause**

- ☒ correct case name and number
- ☒ #1 – 3 completed as appropriate
- ☒ a copy of the order to show cause is attached
- ☒ date and signature of the declarant

Process:

- ☒ depending on court policy submit to judge for signature or affix facsimile signature on Application and Order for Reissuance of Order to Show Cause
- ☒ file stamp the Application and Order for Reissuance of Order to Show Cause and conform the copies

Notes:

-  Verify the previous Order to Show Cause was issued, and if there were any temporary orders issued.

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NOTICE OF MOTION

A Notice of Motion is an application to the court requesting an order(s) in favor of the applicant and noticing the opposing party to appear.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Notice of Motion – FL-301
- ☐ Application for Order and Supporting Declaration – FL-310 (attachment)

Optional dependent on issues of motion:

- ☐ Income and Expense Declaration – FL-150
- ☐ Financial Statement (Simplified) FL-155
- ☐ Property Declaration – FL-160

Fee \$ motion fee as required under GC §26830

Fee \$ 1st appearance fee unless previously paid or waived

Check:

☐ **Notice of Motion**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ appropriate boxes checked in title indicating type of motion and/or modification
- ☒ #1 – must name the party ordered to appear
- ☒ #2 - must be complete
 - #2a complete date, time and dept/room of hearing
 - #2b – either –box checked indicating the court address is the “same as noted above” **or** -the court address must be provided if other than that noted in court title
- ☒ #3 -appropriate boxes must be checked
- ☒ dated and signed
- ☒ **if #4 is completed re Order Shortening Time, it must be dated and signed by the court and the hearing scheduled accordingly, and #8 on page 2 of the Application for Order and Supporting Declaration must be complete**
- ☒ #7 Proof of Service completed as appropriate
- ☒ Proof of Service dated and signed by declarant

☐ **Application for Order and Supporting Declaration (attachment)**

- ☒ Correct case name and number
- ☒ #1 though #10 – appropriate boxes checked and information completed
- ☒ signature and date of applicant

Process:

- ☒ file stamp the Notice of Motion and conform the copies

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RESPONSIVE DECLARATION

Either party may elect to respond/contest to an Order to Show Cause or Notice of Motion by filing a Responsive Declaration to Order to Show Cause or Notice of Motion.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

-  Responsive Declaration to Order to Show Cause or Notice of Motion – FL-320

Check:

Responsive Declaration to Order to Show Cause of Notice of Motion

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 – 9 completed as appropriate
- ☒ dated and signed by declarant
- ☒ responsive declaration must be served on opposition at the same time it is filed

Proof of Service – FL-330 or FL-335

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information

date and signature of person who served the papers

Process:

- ☒ file stamp the Responsive Declaration to Order to Show Cause or Notice of Motion and conform the copies

Notes:

- ☐ There is no filing fee to respond to an OSC or Notice of Motion.
- ☐ Check for a proof of service.

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**ORDER TO SHOW CAUSE FOR CONTEMPT AND AFFIDAVIT
FC §292, CCP §§1211.5 & 2015.5**

An order to show cause and affidavit for contempt is used to compel a party who is subject to a valid court order, who with knowledge of the order and the ability to comply, fails to comply with the terms of the order. This proceeding is quasi criminal and the party is subject to contempt adjudication and statutory contempt penalties.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Order to Show Cause and Affidavit for Contempt – FL-410
- ☐ Affidavit of Facts Constituting Contempt – FL-411 or FL-412

Fee \$ motion fee as required under GC §26830

Fee \$ 1st appearance fee unless previously paid or waived

Check:

☐ **Order to Show Cause and Affidavit for Contempt**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 name of citee must be completed
- ☒ #2 - must be complete
 - #2a complete date, time and dept/room of hearing
- ☒ #2b – either –box checked indicating the court address is the “same as noted above” **or** -the court address must be provided if other than that noted in court title
- ☒ #3 – 8 completed as appropriate
- ☒ dated and signed by declarant

☐ **Affidavit of Facts Constituting Contempt**

- ☒ correct case name and number
- ☒ items completed as applicable
- ☒ dated and signed by declarant

Process:

- ☒ obtain date and signature of the court
- ☒ file stamp the Order to Show Cause and Affidavit for Contempt and conform the copies

Notes:

- ☐ **The Affidavit of Facts Constituting Contempt must be attached to the Order to Show Cause for Contempt as instructed.**


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INCOME AND EXPENSE DECLARATION

The purpose of the information on the Income and Expense Declaration is to provide the court and the other party with the current financial standing of declarant.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

-  Income and Expense Declaration – FL-150

Check:

Income and Expense Declaration

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 through #5 completed as appropriate
- ☒ signature and date of declarant
- ☒ step #5 through #16 completed as appropriate
- ☐ **if #16 is completed the signature of the attorney is required confirming the information and fee arrangement**
- ☒ #17- #21 completed only if case involves child support
- ☒ proof of service if filed as a separate document

Process:

- ☒ file stamp the Income and Expense Declaration and conform the copies

Notes:

- ☐ The Income and Expense Declaration is usually an attachment, if it is not there will need to be a proof of service.
- ☐ Under item 1 copies of pay stubs for last two months with social security numbers blacked out are attached to form


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FINANCIAL STATEMENT

A Financial Statement may be used in place of the Income and Expense forms if eligible – see reverse to determine use.

Require:

Pleadings – presented on the forms as adopted for optional use by the Judicial Council:

 Financial Statement (Simplified) – FL-155

Check:

Financial Statement (Simplified)

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 through 10 completed as appropriate
- ☒ date and signature of declarant – marking the box indicating petitioner or respondent
- ☒ proof of service if filed as a separate document

Process:

- ☒ file stamp the Financial Statement (Simplified) and conform the copies

Notes:

 This is usually an attachment.

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EX PARTE APPLICATION AND ORDER TO SEAL FINANCIAL FORMS
FL-316
(FC § 2024.6)

This form is an optional form designed to be used when a party requests that specific family law forms or written documents as designated be sealed because they contain the location or identifying information with regards to assets or debts. The designated documents will be placed in a confidential envelope.

Require:

Pleadings – presented on the forms as adopted for optional use by the Judicial Council:

-  Ex Parte Application and Order to Seal Financial Forms) – FL-316

Check:

 **Financial Statement (Simplified)**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 designates the party requesting the order
- ☒ #2 the name of form or written document and date of filing must be indicated
- ☒ #3 appropriate box checked
- ☒ #4 indicates they have given notice to the other party and the proof of service is attached
- ☒ date and signature of party

Process:

- ☒ submit to the Judicial Officer for signature
- ☒ places all designated forms or documents ordered sealed by the court in a confidential envelope in the file

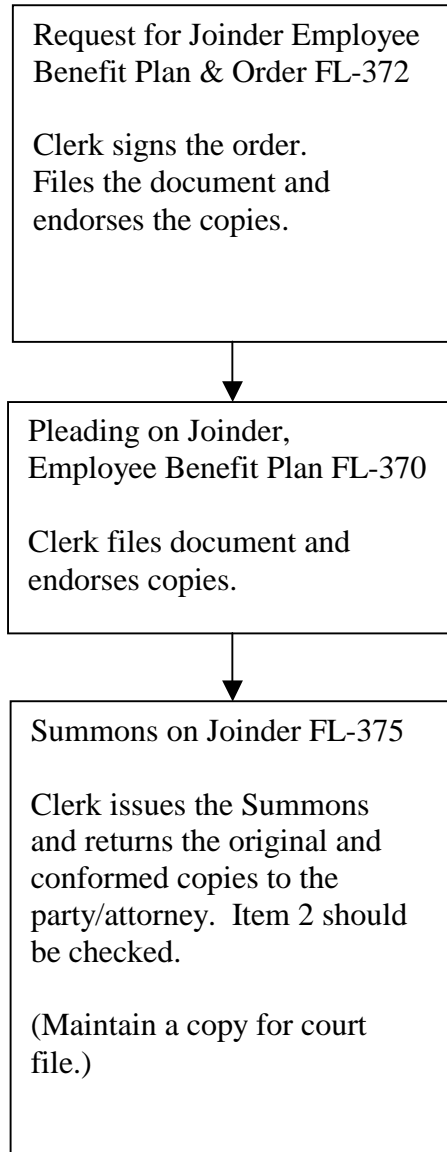
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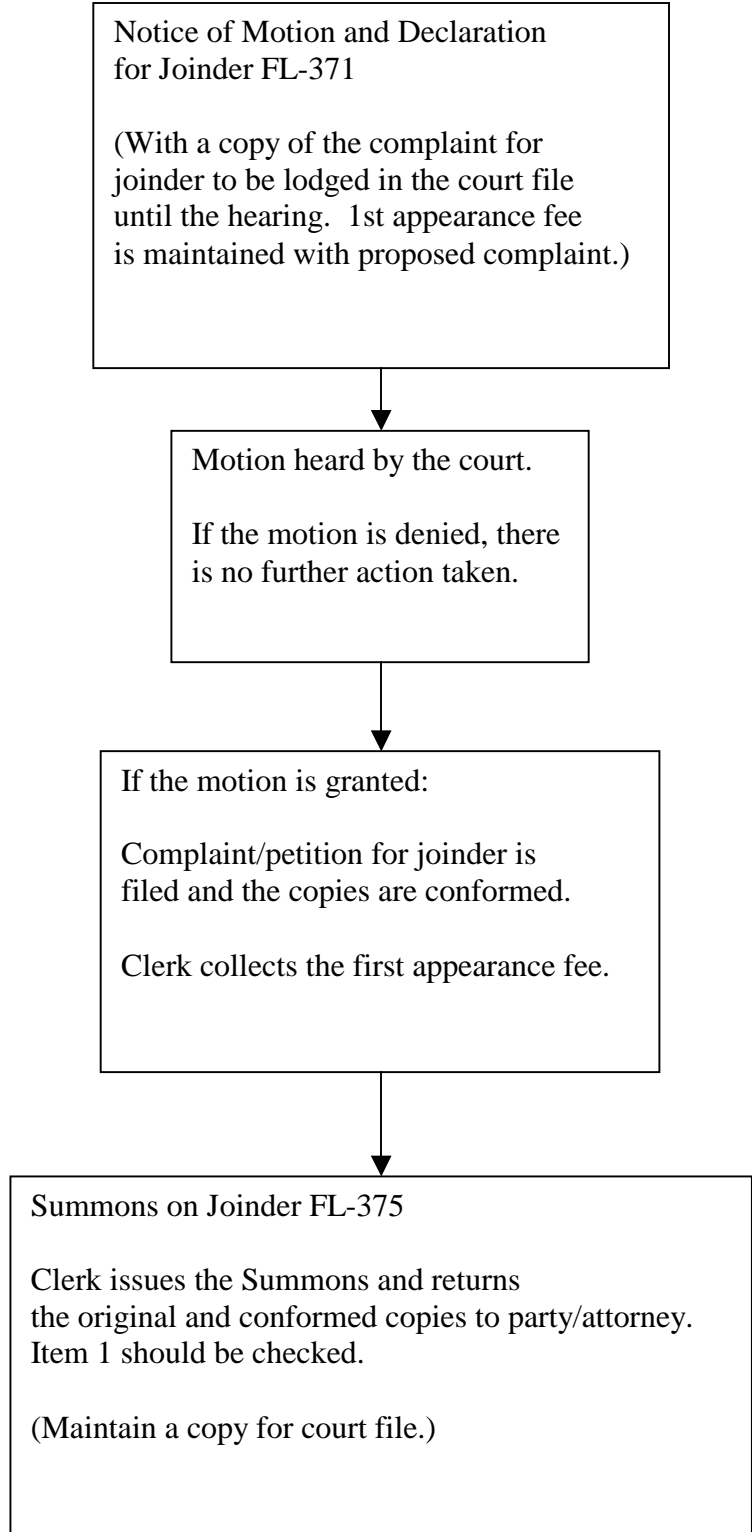
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FAMILY LAW JOINDERS

EMPLOYEE BENEFIT PLANS



THIRD PARTY CLAIMANTS



MOTION FOR JOINDER
FC §2021, CRC §§5.150, 5.152, 5.154, 5.156, 5.158, 5.160

This motion to the court is to obtain orders to join a third party claimant other than an employee benefit plan in a case.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Notice of Motion and Declaration for Joinder – FL-371
- Fee \$ motion fee as required under GC §26830
- Fee \$ first appearance fee unless previously paid or waived, after motion is granted and complaint is filed.

Check:

☐ **Notice of Motion and Declaration for Joinder**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
 - #1 - petitioner or respondent or both must be marked
- ☒ #2 - must be complete
- ☒ #2a complete date, time and dept/room of hearing
- ☒ #2b – either –box checked indicating the court address is the “same as noted above” **or** -the court address must be provided if other than that noted in court title
- ☒ #3 - **proposed pleading must be attached pursuant to CRC §5.156**
- ☒ #4 through 7 must be complete as appropriate
- ☒ date and signature of declarant

Process:

- ☒ file stamp the Notice of Motion and Declaration for Joinder and conform the copies

Notes:

- ☐ A Summons for Joinder form FL-375 may be received with the proposed pleadings, but cannot be issued until the motion is granted and the complaint for joinder is filed.
- ☐ There is no Judicial Council Form for a Complaint for Joinder. The complaint will be prepared in a pleading format.
Responsive Declaration to Motion for Joinder/Consent Order of Joinder – FL-373 is available for use in responding to this motion. **There is no filing fee.**

Judicial Council form FL-371 follows this page

COMPLAINT FOR JOINDER FC §2021, CRC §§ 5.150-5.160

This is a complaint filed joining a third party to the action – only if the court has granted leave to do so. The complaint joins a party other than the employee pension benefit plan.

Require:

Pleadings – presented on pleading paper in the form of a civil complaint:

-  Proposed Complaint
-  Summons (Joinder) – FL – 375

Fee \$ first appearance fee for each party being joined if filed by party other than petitioner or respondent unless previously paid or waived

Check:



Court file

- ☒ for the order granting the filing of the Complaint for Joinder (leave of court)

Complaint for Joinder

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ date and signature of declarant/filing party and attorney if applicable

Summons (Joinder)

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ claimant
- ☒ #1 completed as appropriate

Process:

- ☒ file stamp the Complaint for Joinder and conform the copies
- ☒ issue the summons
- ☒ affix the court seal
- ☒ insert date and clerk name
- ☒ sign as deputy

Notes:

- ☐ Summons (Joinder) should reflect either petitioner, respondent or claimant under #1, by court's order, **NOT** #2 by clerk's order. Original is not filed at this point.

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**JOINDER OF EMPLOYEE BENEFIT PLAN
FC §2060-2065**

**JOINDER OF EMPLOYEE BENEFIT PLAN
FC §2060-2065 CRC 5.162**

Upon written application by a party, the clerk shall enter an order joining as a party to the proceeding any employee benefit plan in which either party to the proceeding claims an interest that is or may be subject to disposition by the court.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Request for Joinder of Employee Benefit Plan and Order – FL-372
- ☐ Pleading on Joinder – Employee Benefit Plan – FL-370
- ☐ Summons (Joinder) – FL – 375
- ☐ Notice of Appearance and Response of Employee Benefit Plan – FL-374

Check:

☐ **Request for Joinder – Employee Benefit Plan and Order**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ claimant completed
- ☒ #1 completed with name of benefit plan (same as claimant)

☐ **Pleading on Joinder – Employee Benefit Plan**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ claimant completed
- ☒ #1 through 7 as applicable
- ☒ date and signature of declarant

☐ **Summons (Joinder)**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ claimant
- ☒ #2 completed as appropriate

Process:

- ☐ file stamp the the Request for Joinder and Order, Pleading on Joinder and conform the copies

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- ☒ complete the clerk's order on the Request for Joinder and Order
- ☒ issue the summons

Notes:

- ☐ Summons (Joinder) should reflect claimant under #2, by clerk's order, **NOT** #1 by court order.
- ☐ The response to the joinder is presented on the adopted for mandatory use Judicial Council form FL-374 entitled Notice of Appearance and Response of Employee Benefit Plan. Service on the parties should be attached. No fee is required pursuant to FC §2064.

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PETITION TO ESTABLISH PARENTAL RELATIONSHIP

FC §7600 et seq

A court action that may be filed by either party to determine whether a person is the father of a child (exp. one born out of wedlock) in an effort to obtain and/or establish child support and parental relationship with minor child(ren).

Require:

Pleadings – presented on the form as approved for use by the Judicial Council:

- ☐ Petition to Establish Parental Relationship – FL-200
- ☐ Summons (Uniform Parentage – Petition for Custody and Support) –FL-210
- ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105

Fee \$ filing fee as required under GC §26820.4 unless waived under GC §68511.3 (indigent)

Check:

☐ **Petition to Establish Parental Relationship**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ petitioner and respondent names in case caption
- ☒ type of relief requested

PETITION TO ESTABLISH PARENTAL RELATIONSHIP			
	<input type="checkbox"/> Child Support	<input type="checkbox"/> Child Custody	
	<input type="checkbox"/> Visitation	<input type="checkbox"/> Other (specify)	

- ☒ #1, 2, 3, 4, and 5 as applicable
- ☒ completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

Page 2

- ☒ #7, 8, 9, 10 and 11 as applicable
- ☒ date and signature of petitioner

☐ **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information
- ☒ date and signature of declarant

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Process:

- ☒ assign a case number
- ☒ file stamp the petition and conform the copies
- ☒ file stamp the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act and conform the copies

Notes:

- ☐ Pursuant to FC §7643(a) ... all papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in a public agency or elsewhere, are subject to inspection only in exceptional cases upon an order of the court for good cause shown..."
- ☐ Change of Name: Family Code §7638. The procedure in an action under this part to change the name of a minor or adult child for whom a parent and child relationship is established pursuant to Section 7636, upon application in accordance with Title 8 (commencing with Section 1275) of Part 3 of the Code of Civil Procedure shall conform to those provisions, except that the application for the change of name may be included with the petition filed under this part and except as provided in Sections 1277 and 1278 of the Code of Civil Procedure.

Family Code §7639. If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued as prescribed in Article 2 (commencing with Section 102725) of Chapter 5 of Part 1 of Division 102 of the Health and Safety Code.

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SUMMONS
(CCP §§232, 233, 2040, 7700)

The summons is the instrument by which the court acquires jurisdiction of the respondent. Upon payment of all applicable fees, the petitioner may submit the summons to the clerk for issuance. The summons contains a direction to the respondent that he/she must file with the court a response (FL-220) to the petition within 30 days of the service of the summons. The summons advises the respondent the consequences of not filing a response and advises him/her to contact an attorney if legal advice is needed. Also included in the summons are the automatic restraining orders required by statute. The summons is directed to the respondent, signed by the clerk and issued under the seal of the court.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

 Summons – FL-210

Check:

 **Summons – FL-210**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ names of the petitioner and respondent exactly as they appear on the petition

Process:

- ☒ affix the court seal
- ☒ insert date and the court clerk's name (if not preprinted for your court)
- ☒ sign as deputy
- ☒ file stamp the original summons and conform the copies

Note:

- ☐ Effective January 1, 2003, the clerk must not return the original summons, but must maintain it in the file. (CRC §5.110)

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**RESPONSE TO PETITION TO ESTABLISH
PARENTAL RELATIONSHIP**

FC §7600 et seq

A formal pleading which replies to the initial petition that either affirms and denies information set forth in the Petition to Establish Parental Relationship

Require:

Pleadings – presented on the form as approved for use by the Judicial Council:

- ☐ Response to Petition to Establish Parental Relationship – FL-220
- ☐ Proof of Service completed as required under CCP §465

Fee \$ filing fee as required under GC §26820.4 unless waived under GC §68511.3 (indigent)

Check:

☐ **Response to Petition to Establish Parental Relationship**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ petitioner and respondent names in case caption
- ☒ type of relief requested
- ☒ #1, through 15 completed as appropriate
- ☒ completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

☐ **Proof of Service – FL-330 or FL-335**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information
- ☒ date and signature of person who served the papers

Process:

- ☒ file stamp the response and conform the copies

Notes:

Pursuant to FC §7643(a) ... all papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in a public agency or elsewhere, are subject to inspection only in exceptional cases upon an order of the court for good cause shown..."

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PETITION FOR CUSTODY AND SUPPORT OF MINOR CHILDREN
FC §§3400, 3900

This action can only be filed by the parents of the minor children, and is for use only when there are no other court actions filed regarding this family. The filings of a dissolution, legal separation, or petition to establish parental relationship proceeding will supercede/terminate this action.

Require:

Pleadings – presented on the form as approved for use by the Judicial Council:

- ☐ Petition for Custody and Support of Minor Children – FL-260
- ☐ Summons (Uniform Parentage – Petition for Custody and Support) –FL-210
- ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105

Fee \$ filing fee as required under GC §26820.4 unless waived under GC §68511.3 (indigent)

Check:

☐ **Petition for Custody and Support of Minor Children**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
 - ☒ correct court title
 - ☒ correct case name and number
 - ☒ petitioner and respondent names in case caption
 - ☒ #1 a or b as appropriate
 - ☒ #2 a, b, c or d as appropriate and if b is marked a copy of the declaration must be attached
 - ☒ #3 names, date of birth, age and sex of minor children completed
 - ☒ completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) attached
 - ☒ #5 completed as appropriate
- Page 2
- ☒ #5 continued – completed as appropriate
 - ☒ #6 completed as appropriate
 - ☒ date and signature of petitioner

☐ **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number

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- ☒ completeness of information
- ☒ date and signature of declarant

Process:

- ☒ assign a case number
- ☒ file stamp the petition and conform the copies
- ☒ file stamp the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act and conform the copies

Judicial Council form FL-260 follows this page

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SUMMONS
(CCP §§232, 233, 2040, 7700)

The summons is the instrument by which the court acquires jurisdiction of the respondent. Upon payment of all applicable fees, the petitioner may submit the summons to the clerk for issuance. The summons contains a direction to the respondent that he/she must file with the court a response (FL-220) to the petition within 30 days of the service of the summons. The summons advises the respondent the consequences of not filing a response and advises him/her to contact an attorney if legal advice is needed. Also included in the summons are the automatic restraining orders required by statute. The summons is directed to the respondent, signed by the clerk and issued under the seal of the court.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

 Summons – FL-210

Check:

 **Summons – FL-210**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ names of the petitioner and respondent exactly as they appear on the petition

Process:

- ☒ affix the court seal
- ☒ insert date and the court clerk's name (if not preprinted for your court)
- ☒ sign as deputy
- ☒ file stamp the original summons and conform the copies

Note:

- ☐ Effective January 1, 2003, the clerk must not return the original summons, but must maintain it in the file. (CRC §5.110)

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RESPONSE TO PETITION FOR CUSTODY AND SUPPORT OF MINOR CHILDREN
(FC §3400, 3900)

The response is the formal written statement made by a respondent setting forth the ground of their reply. The form of the response allows the respondent to respond to those same issues as initiated in the petition.

Require:

Pleadings – presented on the forms as adopted for use by the Judicial Council:

- ☐ Response to Petition for Custody and Support of Minor Children – FL-270
- ☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105
- ☐ Proof of Service completed as required under CCP §465

Fee \$ filing fee as required under GC §26820.4 unless waived under GC §68511.3 (indigent)

Check:

☐ **Response to Petition for Custody and Support of Minor Children**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 a or b as appropriate
- ☒ #2 a, b, c or d as appropriate and if b is marked a copy of the declaration must be attached
- ☒ #3 names, date of birth, age and sex of minor children completed
- ☒ completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) attached
- ☒ #5 completed as appropriate
- Page 2
- ☒ #5 continued – completed as appropriate
- ☒ #6 completed as appropriate
- ☒ date and signature of petitioner

☐ **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – FL-105**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information
- ☒ date and signature of declarant

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 **Proof of Service – FL-330 or FL-335**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ completeness of information
- ☒ date and signature of person who served the papers

Process:

- ☒ file stamp the response, and the proof of service and conform the copies
- ☒ depending upon your court policy, if the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act is not attached, file stamp and conform the copies

Note:

- ☐ The response should be served on the petitioner by mail.


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PROOF OF SERVICE (CCP §415.10, §417.40)

The proof of service is the document filed with the court record to provide formal proof that a petition and summons were officially served on the respondent in the action. It can be used to establish court jurisdiction over respondent. The proof of service contains an affidavit of the person effecting service showing the date and manner of service and other requirements as set forth by the Code of Civil Procedure.

Require:

Pleadings – presented on the forms as adopted for use by the Judicial Council:

-  Proof of Service of Summons – FL-115

Check:

 **Proof of Service of Summons – FL-115**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 a, b or c depending on what type of petition was filed
- ☒ #1 d – completed as applicable
- ☒ #2 must be completed, including city and state where served
- ☒ #3 Service Information
 - manner of service
 - a. personal service
 - b. substituted service – proof of mailing and attach separate declaration of diligence
 - c. mail and acknowledgment, attach completed Notice and Acknowledgment of Receipt; certified mail – attach signed return receipt (must be an address outside California)
 - d. other – specify code section
- ☒ #4 – completed as applicable
- ☒ #5 – complete information of person who served the papers
- ☒ #6 and 7 – completed as applicable
- ☒ date and signature of person who served papers

Process:

- ☒ file stamp the original proof of service and conform the copies

Note:

-  Service can be effected by publication or posting.

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NOTICE & ACKNOWLEDGMENT OF RECEIPT – FAMILY LAW

A summons may be served by mail as provided in Code of Civil Procedure (CCP) §415.30. A copy of the summons and of the petition shall be mailed (by first-class mail or airmail, postage prepaid) to the person to be served, together with two copies of the notice and acknowledgment provided for in subdivision (b) and a return envelope, postage prepaid, addressed to the sender.

Require:

Pleadings – presented on the form as approved for use by the Judicial Council:

-  Notice and Acknowledgment of Receipt – Family Law – FL-117

Check:

 **Notice and Acknowledgment of Receipt – Family Law – FL-117**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ date and signature of sender (**must not** be a party in the case)

Acknowledgment of Receipt

- ☒ sender must complete appropriate - a, b, c, d, e (1), e(2), e(3), e(4), e(5), e(6), e(7)
- ☒ date and signature by **recipient**

Process: It will depend upon your court's policy if this will be accepted alone, or must be attached to the proof of service.

- ☒ file stamp the appearance, stipulations, and waivers and conform the copies

Note:

- ☐ Service of a summons pursuant to this section is deemed complete on the date a written acknowledgement of receipt of summons is executed, if such acknowledgement thereafter is returned to the sender.
- ☐ If the person to whom a copy of the summons and of the complaint are mailed pursuant to this section fails to complete and return the acknowledgement form set forth in subdivision (b) within 20 days from the date of such mailing, the party to whom the summons was mailed shall be liable for reasonable expenses thereafter incurred in serving or attempting to serve the party by another method permitted by this chapter, and, except for good cause shown, the court in which the action is pending, upon motion, with or without notice, shall award the party such expenses whether or not he is otherwise entitled to recover his costs in the action. (FC §415.30(d))

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JURISDICTION (CCP §410.50, §410.70)

The jurisdiction of the respondent in an action is the power of the court to subject that party to decisions and rulings made in that case. Jurisdiction may be acquired by the appearance of the respondent in the action **or** by proof of proper service on the respondent. When a default is entered, the jurisdiction has usually been established by the proof of service.

The following is a table of establishing the jurisdiction date based on the type of service:

TYPE OF SERVICE	DATE OF JURISDICTION
Personal Service CCP §415.10	Date of delivery
Substituted Service (with follow-up mailing) CCP §415.20(b)	10 th day after date of mailing (not counting date of mailing)
Mail with Notice and Acknowledgement of Receipt CCP §415.30	Date notice form is signed by Respondent (not the date of receipt)
Certified Mail (outside California; in or out of the U.S.) CCP §415.40 & 413.20	10 th day after date of mailing (not counting date of mailing)
Publication CCP §415.50 GC §6064	28 th day after first date of publication, including the first day, or add six days to the last date of publication
Posting CCP §413.30 <i>Cohen v. Board of Supervisors for the County of Alameda</i> (1971) 20 CalApp. 3d 236	28 th day after the first date of posting

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DEFAULT
(CCP §585 & §587 CRC §5.122 & 5.124)

A “default” is a flexible term for the omission of that which a person ought to do. In a domestic (or family law) case, it is the failure of the respondent to answer or respond to the petition.

Upon request, or application, of the petition that default be entered as to respondent, the clerk enters the default (the failure or respondent to appear) in accordance with CCP §585-587.

A default may NOT be entered against the respondent if the respondent has appeared in the action by filing one or more of the following (CCP §585 & CRC 5.120).



DO NOT ENTER DEFAULT IF:

- ⊗ response has been filed
- ⊗ motion to strike pending
- ⊗ motion to quash service of summons pending
- ⊗ motion to transfer pending

Note:

- ☐ If both parties have filed pleadings, there may be no default entered on an amended pleading of either party. CRC 5.108
- ☐ If the respondent has filed any of the above motions, you may enter default **following** the hearing if the ruling permits. (CCP §586, CRC §5.122)

Check:



Court file

- ☒ for any of the above filings that would preclude entry of default
- ☒ proof of service if not submitted with the request to enter default



Proof of Service of Summons – FL-115




- ☒ for complete information upon which to base jurisdiction (see procedures under Proof of Service)

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REQUEST TO ENTER DEFAULT (CCP §585 & §587)

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

-  Proof of Service of Summons – FL-115
-  Request to Enter Default – FL-165
-  Envelope – if dissolution or legal separation case, stamped envelope addressed to respondent with the court’s address as return address (FC §2335.5)

Check:

 **Request to Enter Default – FL-165**

- ☒ submitting party information-name, address, and phone of attorney of record, if applicable (CRC §201)
 - ☒ correct court title
 - ☒ correct case name and number
 - ☒ #2 – one box must be checked from Income & Expense Declaration and one box for property declaration
 - ☒ if either is marked “attached” the appropriate form must be completed and attached
 - ☒ if either is marked “not attached” one of the boxes in a through f must be checked
 - ☒ date and signature of petitioner/attorney
 - ☒ #3 Declaration must be completed
 - #3a or b must be checked
 - if b is checked, the address of respondent’s attorney, or if none, respondent’s last known address must be completed
 - ☒ date and signature of declaring party
- (Page 2)
- ☒ #4 Memorandum of Costs must be completed if applicable
 - ☒ #4a or 4b
 - ☒ date and signature of declarant
 - ☒ #5 Declaration of Nonmilitary Status must be completed if Respondent is not in the military.
 - ☒ date and signature of declarant

Process:

- ☒ file stamp proof of service and any other supporting documents that have not been previously filed
 - ☒ file stamp the Request to Enter Default with any attachments and conform the copies
- Enter the default** – in “**FOR COURT USE ONLY**” box enter:
- ☒ date Request for Default was mailed
 - ☒ date Default was entered

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- ☒ clerk's name
- ☒ sign as deputy
- ☒ mail conformed copy of Request to Enter Default to the respondent (FC §2335.5 – dissolution or legal separation)

Note:

- ☐ Postage prepaid envelope with matching address must be provided for the mailing with the court as the return address (FC §2335.5).
- ☐ The date of mailing CANNOT precede the date of filing.
- ☐ The declaration must be executed in California **or** “under the laws of the State of California.”
- ☐ When there are issues of child or spousal support, attorney fees or costs, the petitioner must file a current Income and Expense Declaration.

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**DECLARATION FOR DEFAULT
OR UNCONTESTED JUDGMENT**

(FC §7600, 3120, 3900 et seq)

An affidavit submitted pursuant to this section shall contain a stipulation by the affiant that the affiant understands that proof will be by affidavit and that the affiant will not appear before the court unless so ordered by the court.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:
Declaration for Default or Uncontested Judgment – FL-230

Check:

 **Declaration for Default or Uncontested Judgment – FL-230**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ #3 – submitting party must check the appropriate box. Both boxes may be checked if a response is on file
- ☒ #4 – appropriate box must be checked
- ☒ #5 – one box must be checked
- ☒ #6 – one box must be checked
- ☒ #7 through 15 checked if applicable
- ☒ dated and signed by declarant (submitting) party. *Cannot be signed by attorney. May be signed by Legal Guardian, Guardian ad Litem or Conservator. General Power of Attorney is not acceptable.

Process:

- ☒ file stamp the Declaration for Default or Uncontested Judgment and conform the copies

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JUDGMENT (FC §3120, 3900, 7600 et seq)

The determination or decision of a court, which may be final, putting an end to the case.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

Judgment – FL-250

Check:







 **Judgment – FL-250**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title (must appear exactly as on the original summons and petition)
- ☒ correct case name and number
- ☒ #1 – completed as applicable
- ☒ #2 - completed appropriately
- ☒ #3 – completed as applicable
- ☒ #4 - completed as applicable

Page 2

- ☒ #5 – completed as applicable
- ☒ #6 – completed with the number of pages attached

 **Attachment pages to the judgment:**

- ☒
 -  Child Custody and Visitation Order Attachment – FL-341
 -  Child Support Information and Order Attachment – FL-342
 -  Non-Guideline Child Support Findings Attachment – FL-342(A)
 -  Stipulation to Establish or Modify Child Support Order – FL-350
 -  Spousal or Family Support Order – FL-343
 -  Stipulation to Establish or Modify Child Support and Order – FL-350 satisfies the support language if completed correctly

Process:

- ☒ submit the judgment to the court for signature
- ☒ after court signs file stamp and conform the copies inserting the date and judge's stamp on the second page of the judgment unless the box is marked indicating signature follows last attachment.

Note:

- ☐ If the parties are in agreement to judgment for “Stipulation for Entry of Judgment re: Establishment of Parental Relationship” can be used instead of the default process.

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NOTICE OF ENTRY OF JUDGMENT
(FC §2338, 7636 & 7637)

The notice of entry of judgment is the notice the parties receive the court has entered the judgment.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

 Notice of Entry of Judgment – FL-190

Check:

 **Notice of Entry of Judgment**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ date judgment entered (the date clerk file stamped the judgment)
- ☒ #1-8 completed appropriately

Process:

- ☒ file stamp the Notice of Entry of Judgment
- ☒ complete date and clerk's signature

Clerk's Certificate of Mailing section

- ☒ clerk completes place of mailing
- ☒ clerk completes date of mailing
- ☒ date and clerk's signature

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**CHILD SUPPORT CASE REGISTRY (FC §4014)
PARENTAGE ACTIONS**

Pursuant to Family Code §4014 any time a child support order is entered or modified the parties are required to file with the court the Child Support Case Registry Form. The only time the parties are not required to submit the form is if the local child support agency is not providing child support services pursuant to Family Code §17400.

The judgment or order shall specify that each parent is responsible for providing his or her own information, that the information must be filed with the court within 10 days of the court order, and that new or different information must be filed with the court within 10 days after any event causing a change in the previously provided information.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

-  Child Support Case Registry Form – FL-191

Check:

 **Child Support Case Registry Form**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ correct information as seen below



CHILD SUPPORT CASE REGISTRY FORM	
<input type="checkbox"/> Mother	<input type="checkbox"/> First form completed
<input type="checkbox"/> Father	<input type="checkbox"/> Change to previous information

- ☒ #1-7 completed appropriately
- ☒ date and signature of person completing the form

Process:

- ☒ **DO NOT** file stamp, but **DO** receive stamp
- ☒ pursuant to your court policy route original to the agency listed below
- ☒ maintain the copy pursuant to your court policy, however please note it is not to be maintained in the “Court” file.

Note:

-  The original form is mailed to:
California Department of Child Support Service
Technology Services Division MS-40
PO Box 419064
Rancho Cordova, CA 95741-9064
-  It will be up to your court’s policy as to how to enforce receiving these forms. Some court’s will not process the judgment or order submitted until the party submitting the order provides a completed FL-191.

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DOMESTIC VIOLENCE PREVENTION ACT
(FC 6200 et seq)



The purposes of this division is to prevent the recurrence of acts of violence and sexual abuse and to provide for a separation of the persons involved in the domestic violence for a period sufficient to enable these persons to seek a resolution of the causes of the violence.

January 1, 2003 Judicial Council Revised the Domestic Violence Forms and Information/Instruction forms in a very simplified format. There is no filing fee collected for the filing of a Domestic Violence Restraining Order or Answer.

The initial process is started by submitting a Request for Order DV-100 and Temporary Restraining Order and Notice of Hearing DV-110 with the court.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

-  Request for Order – DV-100
-  Temporary Restraining Order and Notice of Hearing – DV – 110

Check:



REQUEST FOR ORDER DV-100

- ☒ 1 - Person seeking protection's name and address, if an attorney is filing skip the address of the protected person and indicate the name, address, phone number, and state bar number of attorney.
- ☒ 2 - Name and physical description of person seeking to be restrained.
- ☒ 3 - Names and ages of family or household members needing protection. They need to indicate if they are living with the protected party and how they are related.
- ☒ 4 - Relationship to person being restrained.
- ☒ 5 - Indicate if there were other court cases and applicable information.
- ☒ 6 - Personal conduct orders requested.
- ☒ 7 - Stay away order requested.
- ☒ 8 - Only if party requests move out orders.
- ☒ 9 - This is checked if the party is requesting the court to make orders for custody, visitation or support. Form DV-105 must be attached.
- ☒ 10-16 Completed as applicable, if item 14 is checked a completed for FL-150, Income and Expense Declaration or FL-151 Simplified Financial Statement must be attached.
- ☒ 17 - No fee to notify restrained person is automatic. New information was added to alert the litigant of the method for applying for free service of the restraining order.
- ☒ 18 - Checked if protected party requests more time to serve documents.
- ☒ 19 - Other orders requested as applicable.
- ☒ 20 - Automatic request to turn in firearms.

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- ☒ 21 - Description of the most recent abuse. If party needs more room they can attach a blank sheet of paper or use **DV- 101**, Description of Abuse.
- ☒ 22 - Date and signature of person seeking order.

Process:

- ☒ check for any marked attachments.
- ☒ submit with Temporary Restraining Order and Notice of Hearing to judicial officer for signature
- ☒ assign case number
- ☒ file stamp and endorse copies

Note:

- ☐ There may be many attachments, always check to ensure they are all attached.
- ☐ DV – 101, Description of Abuse is an optional form and is always attached to DV – 100, Request for Order


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**CHILD CUSTODY, VISITATION, AND SUPPORT REQUEST
DV-105**

This form is used when item 9 is marked on the Request for Order DV-100 and the parties are requesting child custody or visitation orders.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

-  Child Custody, Visitation, and Support Request DV - 105

Check:

 **CHILD CUSTODY, VISITATION, AND SUPPORT REQUEST**

- ☒ 1. Name of person seeking order.
- ☒ 2. Other Parent's name (person to be restrained).
- ☒ 3. Completed only if changing a current custody or visitation order.
- ☒ 4. If current custody orders are not changing.
- ☒ 5. Complete if there are no current custody orders and orders are being requested.
- ☒ 6-9. Is the UCCJEA and is incorporated into this form.
- ☒ 10-11. Visitation completed, depending on request.
- ☒ 12-13. As applicable.
- ☒ 14. If checked we need DV-108, Request for Order: No Travel With Children attached.
- ☒ 15. If a or c is checked must complete FL – 150, Income and Expense Declaration or FL – 155, Simplified Financial Statement.

Notes:

- ☐ This is only an attachment to DV – 100, if Item 9 is checked, mediation would be required pursuant to your court policy.

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**REQUEST FOR ORDER: NO TRAVEL WITH CHILDREN
DV- 108**

This is a mandatory form and would only be used as an attachment to DV-105, Child Custody, Visitation and Support Request.

REQUIRE:

Pleading – presented on the form as adopted for mandatory use by the Judicial Council:

 Request For Order: No Travel With Children DV-108

CHECK:

- ☒ 1. Name of person seeking order.
- ☒ 2. Other Parent's name.
- ☒ 3 – 12 completed as applicable.
- ☒ 13. Date and signature of declarant.


Judicial Council forms DV-105 & DV-108 follow this page

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**TEMPORARY RESTRAINING ORDER AND
NOTICE OF HEARING DV – 110**

REQUIRE:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

-  Temporary Restraining Order and Notice of Hearing DV – 110

Check:

 **Temporary Restraining Order and Notice of Hearing**

- ☒ 1. Protected person's name, address and attorney, if any.
- ☒ 2. Restrained person's name and physical description.
- ☒ 3. Names of family or household members protected by this order.
- ☒ 4. Court hearing date, time, department/room and address of court and information to the restrained person as to what the court can order at the hearing.
- ☒ 5. Temporary Orders information in English and Spanish.
- ☒ 6. Personal conduct orders a or b or both marked (the peaceful written contact section is no longer discretionary) as requested.
- ☒ 7. Stay away orders as requested.
- ☒ 8. Move out orders if requested.
- ☒ 9. If item b is checked. child custody and visitation order, look for attached DV – 140 and any other attachments required.
- ☒ 10. Automatic order regarding no guns or other firearms.
- ☒ 11. Turn in or Sell Guns or Firearms.
- ☒ 12-17 As applicable
- ☒ 18. Time for Service
 - The clerk may need to fill this information in.
 - In item A insert 15 days if restrained person was notified. temporary orders were requested; 5 days if no notice was given.
 - There are no specific guidelines to complete item B a good rule of thumb would be if A is 15 days, B is 5 days; if A is 5 days, B is 2 days.
- ☒ 19-22. Warnings and Notices to The Restrained Person (informational).
- ☒ 23-29. Instructions for Law Enforcement (informational).

Process:

- ☒ Assign a hearing date, time and location.
- ☒ Submit to judicial officer for signature.
- ☒ Assign a case number.
- ☒ File stamp the original Temporary Restraining Order and Notice of Hearing and conform copies
- ☒ File stamp the original Request for Order and conform the copies

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Note:

- ☐ The information in item 10 used to be present as just a warning, however, it is now a mandatory court order.
The information in item 11 is confusing because the statute is confusing. It makes no sense but is good practice to issue relinquishment orders in Temporary Orders.
- ☐ The requirement that the litigant distribute copies of this was eliminated from the code. Copies of the order must be given to local law enforcement agency pursuant to your court's procedure to enter in California Law Enforcement Telecommunication System (CLETS).
- ☐ If child custody or visitation is being requested make sure the parties have contacted mediation services and set up an appointment pursuant to local policy.
- ☐ Reminder – temporary orders may be issued **only** if they are requested on the Request for Order DV-100.

Judicial Council form DV-110 follows this page

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CHILD CUSTODY AND VISITATION ORDER DV – 140

This form is an attachment to the Temporary Restraining Order (DV – 110) or the Restraining Order After Hearing (DV – 130)

Require:

Pleading – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Child Custody and Visitation Order DV – 140

Check:

☐ **Child Custody and Visitation Order**

- ☒ 1. Protected person's name and relationship to child
- ☒ 2. Other parent's name and relationship to child
- ☒ 3-8 As applicable depending on what was requested on DV – 105 or ordered in court, if attached to Restraining Order After Hearing (DV-130).

Note:

- ☐ If item 5, Supervised Visitation is marked we will need DV-150 must be attached.
- ☐ This is an attachment to DV-100 or DV-130.

**ORDER: NO TRAVEL WITH CHILDREN
DV-145**

Require:

Pleading – presented on the form as adopted for mandatory use by the Judicial Council:

- ☐ Order: No Travel With Children DV-145

Check:

☐ **ORDER: NO TRAVEL WITH CHILDREN**

- ☒ 1. Protected person's name.
- ☒ 2. Other parent's name (person to be restrained).
- ☒ 3-13. Completed as ordered by the court.

Note:

- ☐ This is only an attachment to DV-140.

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Judicial Council forms DV-140 & DV-145 follow this page


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SUPERVISED VISITATION ORDER DV- 150

This mandatory form is an attachment to the Child Custody and Visitation Order (DV – 140)

Require:

Pleading – presented on the form as adopted for mandatory use by the Judicial Council:

 Supervised Visitation Order DV – 150

Check:

 **Supervised Visitation Order**

☒ 1-10 completed as ordered by the court.

Note:

☐ This single page will always be an attachment to the Child Custody and Visitation Order DV-140.

CHILD SUPPORT ORDER DV-160

This eight-page form is an optional form that would be attached to the Restraining Order After Hearing, DV-130 if child support was ordered in court.

Require:

Pleading – presented on the form as adopted for optional use by the Judicial Council:

 Child Support Order DV – 160

Check:

 **CHILD SUPPORT ORDER DV -160**

☒ Complete as applicable.

NOTE:

☐ This will always be an attachment.

OTHER ORDERS DV – 170

This form is an attachment to the Restraining Order After Hearing DV – 130 if any orders were made regarding property control, debt payment, property restraint, attorney fees and costs, payments for costs and services. Spousal support orders can now be made in domestic violence cases and you may see them indicated on item 9.

Require:

Pleading – presented on the form as adopted for mandatory use by the Judicial Council:

 Other Orders DV – 170

Check:

 **OTHER ORDERS DV - 170**

☒ 1-8 completed depending on what the court ordered at the time of hearing

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ANSWER TO TEMPORARY RESTRAINING ORDER DV – 120

This form is designed for the Restrained Person to answer each of the allegations listed in the Request for Order DV-100.

Require:

Pleading – presented on the form as adopted for mandatory use by the Judicial Council:

 Answer to Temporary Restraining Order DV – 120

Check:

 **ANSWER TO TEMPORARY RESTRAINING ORDER DV- 120**

- ☒ 1. Protected Person.
- ☒ 2. Restrained Person's name and address. If represented by an attorney the name, address, phone number and state bar number of attorney.
- ☒ 3-19. As applicable. If item 8 is checked form FL-150 or FL-155 must be served and filed. It is practical to have one attached to the Answer.
- ☒ 20. Date and signature of declarant.
- ☒ Proof of service on Protected Person attached. Form DV – 250, Proof of Service by Mail is an optional form that may be used.

Process:

- ☒ file stamp and conform copies

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Judicial Council form DV-120 follows this page

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REISSUE TEMPORARY RESTRAINING ORDER DV – 125

This form is used when the Protected Party was unable to serve the Restrained Person in a timely manner, date of hearing is changed or for any other reason the case is not being heard on the original scheduled date and the protected person wants to reissue the original temporary orders.

Require:

Pleading – presented on the form as adopted for mandatory use by the Judicial Council:

- ☐ Reissue Temporary Restraining Order DV – 125

Check:

☐ **Reissue Temporary Restraining Order DV -125**

- ☒ 1. Protected Person's information complete.
- ☒ 2. Restrained Person's information complete.
- ☒ Correct case number.
- ☒ 3. Date of last hearing and how many times the order has been reissued.
- ☒ 4. Item a, b or c complete.
- ☒ 5. Date and signature of declarant.

Process:

- ☒ Complete date, time department, etc. information.
- ☒ If mediation is required have mediation set.
- ☒ Submit to judicial officer for signature.
- ☒ File stamp original and conform copies

Note:

- ☐ This form can only be issued ***before*** or ***on the day of the*** hearing. If the hearing date has passed the party will need to start from the beginning but will be able to use the same case number.
- ☐ A copy of the Temporary Restraining Order and Notice of Hearing along with the Request for Order that is being reissued must be attached to the conformed copies for service.

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Judicial Council forms DV-125 & DV-126 follow this page

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RESTRAINING ORDER AFTER HEARING DV – 130

This is the form the party will complete after the hearing and submit to the Judicial Officer for signature.

Require:

Pleading – presented on the form as adopted for mandatory use by the Judicial Council:

 Restraining Order After Hearing DV – 130

Check:

 **Restraining Order After Hearing DV – 130**

- ☒ 1. Protected person's name and correct information.
- ☒ 2. Restrained person's name and information.
- ☒ Correct court title.
- ☒ Correct case number.
- ☒ 3. Names of family or household members ordered protected.
- ☒ 4. Date, department and name of Judicial Officer granting orders. The expiration date should be included. See notes on bullets.
- ☒ 5-7. Completed as ordered by the court.
- ☒ 8. If custody and visitation ordered by the court attachment DV-140 will be attached.
- ☒ 9. If child support was ordered DV-160 may be submitted but is optional. Look for appropriate orders.
- ☒ 10-11. Automatic no gun or firearm order.
- ☒ 12-13. As ordered by the court.
- ☒ 14. Automatic no fee for service.
- ☒ 15. If other orders they may be submitted on DV-170 or specified attachment.
- ☒ 16. Completed depending on who was present in court.
- ☒ 17. Completed if party(s) were ordered to return for a review hearing
- ☒ 18. If attachments, number of pages attached, and appropriate attachments checked, date and signature of judicial officer
- ☒ 19-25. Instructions for Law Enforcement.
- ☒ 26-27. Warnings and Notices to the Restrained Person.

Process:

- ☒ Process pursuant to procedures established by your court.
- ☒ Submit to judicial officer for signature.
- ☒ File stamp and conform copies.

Note:

- ☐ Make sure all the attached form that were indicated as attachments are submitted.

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Judicial Council form DV-130 follows this page


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PROOF OF SERVICE (IN PERSON) DV- 200

This is an optional form that will be submitted to indicate that a party was personally served with specific paperwork.

Require:

Pleading – presented on the form as adopted for optional use by the Judicial Council:

 Proof of Service (In Person) DV – 200

Check:

 **Proof of Service (In Person) DV – 200**

- ☒ 1. Name of protected person.
- ☒ 2. Name of restrained person.
- ☒ 3. Notice to server.
- ☒ 4. Documents that were served on restrained person are checked.
- ☒ 5. Service information - date, time and address **including city and state** where documents were personally served.
- ☒ 6. Name, address and phone number of party serving papers. If registered process server they complete county of registration and registration number.
- ☒ 7. Date and signature of server.

Process:

- ☒ file stamp and conform copies

Note:

- ☐ This is an optional form. Law enforcement or private process serves may use their own form and submit to the court.

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PROOF OF SERVICE BY MAIL DV – 250

This is an optional form that will be submitted to indicate that a party was served by mail with specific paperwork. It was designed to reduce confusion about which forms can be served by mail.

Require:

Pleading – presented on the form as adopted for optional use by the Judicial Council:

☐ Proof of Service By Mail DV – 250

Check:

☐ **Proof of Service by Mail DV - 250**

- ☒ 1. Name of protected person.
- ☒ 2. Name of restrained person.
- ☒ 3. Notice to server.
- ☒ 4. Documents mailed to party checked.
- ☒ 5. Service information - date, city and state documents were mailed from, name of party documents were mailed to and address where mailed to.
- ☒ 6. Name, address and phone number of party serving papers. If registered process server they complete county of registration and registration number
- ☒ 7. Date and signature of server.

Process:

- ☒ File stamp and conform copies.

Note:

- ☐ This is an optional form. Law enforcement or private process servers may use their own form and submit to the court

Judicial Council forms DV-200, DV-2100 & DV-250 follows this page

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CONFIDENTIAL CLETS INFORMATION DV-260

This is a new optional form designed at the request of the Department of Justice and law enforcement agencies to provide the protected person's date of birth because the national restraining order registry requires this field. Many courts and law enforcement agencies have developed their own CLETS entry form that is completed by the protected person. This form will help provide statewide consistency.

NOTE:

☐ This form is NEVER to be part of the court file. If your court does not make entries into CLETS this form and a copy of the Restraining Order should be direct to the agency that makes entries into CLETS by the protected person or designee.

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Judicial Council form DV-260 follows this page

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**REQUEST AND ORDER FOR FREE SERVICE OF RESTRAINING
ORDER DV-290/CH-101**

Effective January 1, 2003, Assembly Bill 2030 authorized the sheriff or marshal to serve, without charge Domestic Violence restraining orders and civil harassment orders relating to stalking or sexual assault. It also required the Judicial Council to establish a policy that allows the sheriff or marshal to bill the courts for the cost of serving such orders. CCP 527.6 added subdivision (p) to accommodate this. This form establishes the process for a litigant to ask the sheriff or marshal to serve an applicable civil harassment order or a domestic violence order for free.

REQUIRE:

Pleading – presented on the form as adopted for mandatory use by the Judicial Council:

-  Request And Order For Free Service of Restraining Order DV-22-/CH-101

CHECK:

-  REQUEST AND ORDER FOR FREE SERVICE OF RESTRAINING ORDER DV-290

- ☒ 1. Complete name and address of party or attorney of record.
- ☒ 2. Name of restrained party.
- ☒ Correct court address.
- ☒ Correct case number.
- ☒ 3. a or b will checked if the Application for Waiver of Court Fees and Costs is submitted.
- ☒ 4. Box “a” would be checked on Domestic Violence cases
- ☒ Date and signature of applicant
- ☒ 5. The court will determine, based on your court’s policy if the party qualifies for a waiver and a, b, or c would be checked.
- ☒ 6. Boxes without cost or with cost must be marked
- ☒ Date and signature of clerk who may grant in full a non-discretionary fee waiver pursuant to CRC Rule 985(d) or judicial officer

PROCESS:

- ☒ Clerk will review the Application for Waiver of Court Fees and Costs for completeness.
- ☒ If Item 4 a, b, c, or d was checked we would need either verification of benefits or social security number and date of birth. The clerk may grant the Order for free service by checking 3 a. and dating and signing.
- ☒ If Item 6 or 7 was checked the party needs to complete the reverse side of the application for waiver. This would be sent to the Judicial Officer to sign with the determination if the party qualifies or not based on their income.
- ☒ File stamp the Application for Waiver and place in a confidential envelope.
- ☒ File stamp and conform the Request and Order for Free Service. The original is maintained in the court file and endorsed copies given to the protected person to take to Sheriff or Marshall

NOTE:

- ☐ We will not need the protected person to fill out an Order for Waiver of Costs.

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REGISTER OUT-OF-STATE RESTRAINING ORDER DV – 600

This form is used when a restraining order issued in another state is to be registered in California. The primary reason for using this process is to ensure that the out of state order is entered into CLETS.

Require:

Pleading – presented on the form as adopted for mandatory use by the Judicial Council:

- ☐ Register Out-of-State Restraining Order DV-600
- \$ No fees

CHECK:

☐ **REGISTER OUT-OF-STATE RESTRAINING ORDER DV-600**

- ☒ 1. Name of protected person, including address, if attorney indicate name, address, phone number and state bar number of attorney.
- ☒ 2. Correct court title.
- ☒ 3. Name of restrained person and physical description.
- ☒ Name and address of court issuing protective order.
- ☒ 4. Attached is a certified copy of the order that is being registered, check to make sure it is still a valid order and date of expiration of order being registered.
- ☒ 5. Item 5 a or b is checked.
- ☒ 6. Date and signature of party.

Process:

- ☒ Submit to judicial officer for signature.
- ☒ Issue case number.
- ☒ File stamp and conform copies.

Note:

- ☐ A certified copy is required. Review copy to ensure that it is a valid order and has not expired.
- ☐ This form replaces form 1296.45, Registration of Foreign Domestic Violence Restraining Order and Order.

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REQUEST TO RENEW RESTRAINING ORDER DV-700

This is a new form that allows the protected person to renew a restraining order before the expiration date pursuant to FC 6345.

Require:

Pleading – presented on the form as adopted for mandatory use by the Judicial Council:

 Request to Renew Restraining Order DV-700

Check:

 **Request to Renew Restraining Order DV-700**

- ☒ 1. Name, address and phone number; if an attorney need name, address, phone number and state bar number of attorney.
- ☒ 2. Name of restrained person.
- ☒ 3. Complete a-d; item e indicates a copy of order is attached.
- ☒ 4. Complete as applicable a,b,c.
- ☒ 5. Date and signature of declarant.

Process:

- ☒ Should be submitted with form DV-710 Notice of Hearing.
- ☒ File stamp and conform copies after Notice of Hearing is returned from Judicial Officer.

Note:

- ☐ New form, per statute, no showing of abuse is required to renew order. Court protocol differs, however, check with your judicial officer.
- ☐ This form should be submitted prior to the expiration of the current Restraining Order After Hearing.

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NOTICE OF HEARING TO RENEW RESTRAINING ORDER DV-710

This new form provides for a procedure by which the court may set a hearing to hear a request to renew a restraining order. The statute does not specifically provide for a procedure, so the form provides for a hearing date and service of process.

Require:

Pleadings- presented on the form as adopted for mandatory use by the Judicial Council:

 **NOTICE OF HEARING TO RENEW RESTRAINING ORDER DV-710**

Check:

 **NOTICE OF HEARING TO RENEW RESTRAINING ORDER DV-710**

- ☒ 1. Name of protected person including address, if attorney, address, phone number and state bar number of attorney.
- ☒ 2. Name of restrained person and physical description.
- ☒ Correct court title.
- ☒ Correct case number.
- ☒ 3. Court date, time, department, address of court.
- ☒ 4. Indicate number of days restrained party must be served by (see note on Temporary Restraining Order).

Process:

- ☒ Assign court date, time, and department.
- ☒ Submit to Judicial Officer for signature.
- ☒ File stamp and conform copies.

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Judicial Council form DV-710 follows this page

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PROOF OF FIREARMS TURNED IN OR SOLD DV-800/JV-252

This optional form provides a standardized receipt to indicate the restrained person's compliance with the court's firearm relinquishment order, pursuant to Family Code 6389.

REQUIRE:

Pleadings-presented on the form as adopted for optional use by the Judicial Council:

 **PROOF OF FIREARMS TURNED IN OR SOLD DV-800/JV-252**

CHECK:

 **PROOF OF FIREARMS TURNED IN OR SOLD DV-800/JV252**

- ☒ 1. Protected person.
- ☒ 2. Restrained person, address and phone number, if attorney complete with their address.
- ☒ 3. Item 4-5. completed by law enforcement agent or licensed gun dealer.
- ☒ 4. Item 5 completed as appropriate.

PROCESS:

- ☒ File stamp and conform copies.

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Judicial Council forms DV-800 & DV-810 follows this page

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REGISTRATION OF SUPPORT ORDER FROM ANOTHER STATE FC §§4950, 4952 & 4954

A support order issued in another state may be registered in this state for enforcement.

Require:

Pleadings – presented on the forms as approved for use by the Judicial Council::

- ☐ Notice of Registration of Out-of-State Support Order – FL-570
- ☐ 2 copies (**1 must be certified**) of orders to be registered, including any modifications
- ☐ Supporting documents
- ☐ A statement of arrearages

Check:

☐ **Notice of Registration of Out-of-State Support Order**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ names of obligee/obligor in the pleading match those in the order they are registering
- ☒ complete #1 and 2

Process:

- ☒ assign a case number
- ☒ file stamp the Notice of Registration of Out-of-State Support Order and conform the copies
- ☒ complete the Notice of Registration form as clerk
- ☒ #1 complete the place and date of mailing
- ☒ #2 complete the date the copy was sent to the obligor
- ☒ insert date and clerk name
- ☒ sign as deputy

Notes:

- ☐ The party designation in all support actions registered for enforcement or modification shall be the one that appears in the original (earliest) order being registered CRC §5.370.
- ☐ FC §4915(b) allows an individual to proceed under this chapter. Therefore, occasionally you will see a request to register from a private party or counsel. They may or may not use the Registration Statement, however if they have a Petition Requesting Registration or a document that sets out the requirements listed under FC §4951, the requested orders should be registered as set forth in the procedures.

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**REGISTRATION OF SUPPORT ORDER FROM
ANOTHER COUNTY IN CALIFORNIA
FC §5602**

A support order issued in another county of this state may be registered in any county in which the obligor, the obligee, or the child who is the subject of the order resides-or in a county in which the obligor has income, assets, or property.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Statement of Registration of California Support Order –FL-440
- ☐ Copy of most recent support order or affidavit or declaration of obligor's payment history
- ☐ Declaration of support arrearages (selection of 3a or 3b will determine if it will be attached)

Check:

☐ **Statement of Registration of California Support Order**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ names of obligee/obligor in the pleading match those in the order they are registering
- ☒ #1 through 6 completed as appropriate
- ☒ declaration on reverse of form is dated and signed by the obligee

Process:

- ☒ assign a case number
- ☒ file stamp the Statement of Registration of California Support Order and conform the copies
- ☒ complete the Statement of Registration form (page 2) as clerk
 - ☒ #8 &9 notice to obligor
 - ☒ complete the clerk's certificate of mailing
 - ☒ insert date and clerk name
 - ☒ sign as deputy

Notes:

- ☐ No filing fee is required pursuant to FC §5602(b).
- ☐ The party designation in all support actions registered for enforcement or modification shall be the one that appears in the original (earliest) order being registered CRC §5.370.

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**REQUEST FOR HEARING REGARDING
REGISTRATION OF SUPPORT ORDER
FC §§4955, 4956 & 5603**

A non-registering party may seek to contest the validity or enforcement of a registered order in this state by requesting a hearing within 20 days after notice of the registration.

Require:

Pleadings – presented on the forms as approved for use by the Judicial Council::

 Request for Hearing Regarding Registration of Support Order – FL-575

Fee \$ filing fee as required under GC §26830 unless there is a fee waiver under GC §68511.3 (indigent)

Check:

 **Request for Hearing Regarding Registration of Support Order**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ names of petitioner and respondent match the notice of registration
- ☒ complete #2 a - h as appropriate
- ☒ verify the declarant has dated and signed the request

Process:

- ☒ assign a hearing date pursuant to your court policy
- ☒ file stamp the Request for Hearing Regarding Registration of Support Order and conform the copies
- ☒ Page 2 complete the place and date of mailing in the clerk's certificate
- ☒ insert date and clerk name
- ☒ sign as deputy

Notes:

- ☐ The request must be made within 20 days after notice of the registration. (FC §4955(a))
- ☐ If the non-registering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law. (FC §4955(b))

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REGISTRATION OF OUT-OF-STATE CUSTODY DECREE FC §3445

A child custody determination issued by a court of another state may be registered in this state, with out without a simultaneous request for enforcement.

Require:

Pleadings – presented on the forms as adopted for use by the Judicial Council:

- ☐ Registration of Out-of-State Custody Decree –FL-580
- ☐ Two copies, including one certified coy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified.

Fee \$ filing fee as required under GC §26820.4 unless there is a fee waiver under GC §68511.3 (indigent)

Check:

☐ **Registration of Out-of-State Custody Decree**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ names of petitioner/respondent in the pleading match those in the order they are registering
- ☒ #1 through 8 completed as appropriate
- ☒ #9 & 10 require an attachment
- ☒ dated and signed by the declarant.

Process:

- ☒ assign a case number
- ☒ file stamp the Statement of Registration of Out-of-State Support Order and conform the copies
- ☒ complete the Statement of Registration form as clerk
 - ☒ #1 complete the place and date of mailing
 - ☒ #2 complete the date the copy was sent to the obligor
 - ☒ insert date and clerk name
 - ☒ sign as deputy

Notes:

- ☐ Family Code §3448. (a) A petition under this chapter must be verified. Certified copies of all orders sought to be enforced and of any order confirming registration must be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.
- ☐ The party designation in all support actions registered for enforcement or modification shall be the one that appears in the original (earliest) order being registered CRC §5.370.

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**EARNINGS ASSIGNMENT ORDER FOR SPOUSAL OR PARTNER
SUPPORT
FC §§299(d), 5208**

Family Code §5230 provides: FC §5230(a) When the court orders a party to pay an amount for support or orders a modification of the amount of support to be paid, the court shall include in its order an earnings assignment order for support that orders the employer of the obligor to pay to the obligee that portion of the obligor's earnings due or to become due in the future as will be sufficient to pay an amount to cover both of the following:

(1) The amount ordered by the court for support.

(2) An amount which shall be ordered by the court to be paid toward the liquidation of any arrearage.

(b) An earnings assignment order for support shall be issued, and shall be effective and enforceable pursuant to Section 5231, notwithstanding the absence of the name, address, or other identifying information regarding the obligor's employer.

Require:

Pleadings – presented on the form as adopted for mandatory use by the Judicial Council:

 Earnings Assignment Order for Spousal or Partner Support – FL-435

Check:



Court file

To verify the underlying order the Earnings Assignment Order for Spousal Support is based upon is still in effect.

 **Earnings Assignment Order for Spousal or Partner Support**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ if a modification that box should be marked
- ☒ form completed as appropriate including:
 - ☒ obligor's name completed
 - ☒ verify date of birth

TO THE PAYOR: This is a court order. You must withhold a portion of the earnings of *(specify obligor's name and birthdate)*:

- ☒ #1 – provisions of this order must match exactly as ordered by the court
- ☒ #1c – verify total is correct
- ☒ #2, 3 – must include name and address of party to receive payments
- ☒ #5 – checked if this order modifies a previous order
- ☒ #8 - if applicable
- ☒ #9 – if arrearage indicated, must have an order setting arrears OR declaration re arrears

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Process:

- ☒ obtain court's signature on Order
- ☒ file stamp the Earnings Assignment Order for Spousal Support and conform the copies

Note:

- ☐ An Earnings Assignment Order under this section remains in effect until payee provides written notice to the employer to stop. Family Code §5235(a) The employer shall continue to withhold and forward support as required by the assignment order until served with notice terminating the assignment order.


ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT FC §5200

FC §5230 provides when the court orders a party to pay an amount for support or orders a modification of the amount of support to be paid, the court SHALL include in its order an earnings assignment order for support that orders the employer of the obligor to pay to the obligee that portion of the obligor's earnings due or to become due in the future as will be sufficient to pay an amount to cover both of the following:

- a. The amount ordered for support
- b. An amount which shall be ordered toward the liquidation of any arrearage

Require:

Pleadings – presented on the form as adopted for use by the Judicial Council:

-  Order/Notice to Withhold Income for Child Support – FL-195

Check:



Court file

To verify underlying order the Order/Notice to Withhold Income for Child Support is based upon is still in effect.

Order/Notice to Withhold Income for Child Support

Starting at the top of the form:

- ☒ Verify if original, amended or termination
- ☒ County
- ☒ correct case number
- ☒ employer's name
- ☒ employer's address
- ☒ employer's Federal EIN number, if known
- ☒ obligor's name
- ☒ obligor's social security number
- ☒ obligee's case identifier
- ☒ obligee's name

Order Information

- ☒ date of order
- ☒ amounts completed as applicable
- ☒ total amounts and how much per pay period

Remittance Information

- ☒ completed as applicable

Process:

- ☒ obtain court's signature on Order under "If this is an Order/Notice to Withhold"
- ☒ file stamp the Order/Notice to Withhold Income for Child Support and conform the copies

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Notes:

- ☐ The Order/Notice to Withhold Income for Child Support may not be used to collect attorney's fees or other separately designated financial obligations such as mortgage payments, etc.
- ☐ Order/Notice to Withhold Income for Child Support can be used to collect spousal support only if there is a child support order.
- ☐ The employer must within 10 days of service, deliver both a copy of the order along with a written statement of obligor's rights to seek quash, modification or stay and a Request for Hearing Regarding Wage & Earnings Assignment form.
- ☐ Exceptions – FC §5260 The court must make a finding of good cause, and all of the following must exist:
 - “... (b) For purposes of this section, good cause or an alternative arrangement for staying an assignment order is as follows:
 - (1) Good cause for staying a wage assignment exists only when all of the following conditions exist:
 - (A) The court provides a written explanation of why the stay of the wage assignment would be in the best interests of the child.
 - (B) The obligor has a history of uninterrupted, full, and timely payment, other than through a wage assignment or other mandatory process of previously ordered support, during the previous 12 months.
 - (C) The obligor does not owe an arrearage for prior support.
 - (D) The obligor proves, and the court finds, by clear and convincing evidence that service of the wage assignment would cause extraordinary hardship upon the obligor. Whenever possible, the court shall specify a date that any stay ordered under this section will automatically terminate...”

**REQUEST FOR HEARING REGARDING
REGISTRATION OF SUPPORT ORDER
and also used for
ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT
FC §5246**

A non-registering party may seek to contest the validity or enforcement of a registered order in this state by requesting a hearing within 20 days after notice of the registration.

Require:

Pleadings – presented on the forms as approved for use by the Judicial Council::

☐ Request for Hearing Regarding Earnings Assignment – FL-450

Fee \$ filing fee as required under GC §26830 unless there is a fee waiver under GC §68511.3 (indigent)

Check:

☐ **Request for Hearing Regarding Earnings Assignment**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ names of petitioner and respondent match the case with the support order
- ☒ complete #2 a – c as appropriate
- ☒ complete #3 a – c as appropriate
- ☒ verify the declarant has dated and signed the request

Process:

- ☒ assign a hearing date pursuant to your court policy
- ☒ file stamp the Request for Hearing Regarding Earning Assignment and conform the copies
- ☒ Page 2 complete the place and date of mailing in the clerk's certificate
- ☒ insert date and clerk name
- ☒ sign as deputy

Notes:

- ☐ The request must be made within 10 days after obligor is provided a copy of the withholding order. (FC §4955(a))
- ☐ If the obligor requests a hearing, a hearing date shall be scheduled within 20 days of the filing of the request with the court. The clerk of the court shall provide notice of the hearing to the obligee and the obligor no later than 10 days prior to the hearing. (FC §5246(e))

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**APPLICATION AND ORDER FOR
HEALTH INSURANCE COVERAGE
FC §§3760-3772**

Require:

Pleadings – presented on the form as adopted for use by the Judicial Council:

-  Application and Order for Health Insurance Coverage – FL-470

Check:

 **Application and Order for Health Insurance Coverage**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ application completed as appropriate including:
 - ☒ #1 – name of obligor and correct date of court order and verify provisions re health insurance was contained in order
 - ☒ #2 – completed appropriately
- ☒ date and signature of applicant

 **Order for Health Insurance Coverage**

- ☒ #1 completed as appropriate

Process:

- ☒ obtain court's signature on Order
- ☒ file stamp the Application and Order for Health Insurance Coverage and conform the copies

Notes:

- ☐ **Employer's Health Insurance Return and/or Notice of Lapse in Health Insurance – FL-475 may be received for filing.**
- ☐ A health insurance coverage assignment order does not become effective until 20 days after service by the applicant of the assignment order on the employer. (Family Code §3764. (a))

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WRIT OF EXECUTION (MONEY JUDGMENT)
CCP §§699.520, 712.010 & 715.010

A writ is an order issued from a court requiring the performance of a specified act, or giving authority to have it done. A writ of execution is a writ to put in force the judgment or decree of a court, in particular, money judgment.

Require:

Pleadings – presented on the form as adopted for use by the Judicial Council:

 Writ of Execution – EJ-130

Fee \$ filing fee as required under GC §26828 unless there is a fee waiver under GC §68511.3 (indigent)

Check:



Court file

To verify underlying order the Writ of Execution is based upon is still in effect. Information for the writ will come from the order/judgment and from the declaration for writ of the requesting party. Be sure to verify all the information before issuing the writ.

 **Writ of Execution**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ what type of writ is being requested

WRIT OF	<input checked="" type="checkbox"/> EXECUTION (Money Judgment)	
	<input type="checkbox"/> POSSESSION OF	<input type="checkbox"/> Personal Property
	<input type="checkbox"/> SALE	<input type="checkbox"/> Real Property

- ☒ #1 - County writ will be levied upon
- ☒ #3 – completed as applicable
- ☒ #4 – complete name and address of judgment debtor as reflected in the order
- ☒ #5 – date of order or judgment
- ☒ #6, 7, 8, 9 or 10 as applicable
- ☒ #11 – 19 as applicable

Page 2

- ☒ completed as applicable

Process:

- ☒ affix the court seal
- ☒ insert date and the court clerk's name (if not preprinted for your court)
- ☒ sign as deputy

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Notes:

- ☐ **Pursuant to FC §4502(a)** ...Notwithstanding any other provision of law, a judgment for child, family, or spousal support, including a judgment for reimbursement that includes, but is not limited to, reimbursement arising under Section 17402 or other arrearages, including all lawful interest and penalties computed thereon, is enforceable until paid in full and is exempt from any requirement that judgments be renewed...”
- ☐ A separate writ must be issued for each county where levy is to be made (CCP §699.510).
- ☐ A writ of execution expires in 180 days after issuance (CCP §699.510).
- ☐ Only one writ may issue per county unless the prior writ has been returned or expired (CCP §699.510) or the writs are for different periods of time on a support order.
- ☐ The levying officer pursuant to CCP §699.560 makes the return of the writ.


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ABSTRACT OF SUPPORT JUDGMENT
CCP §§488.480, 674, 697, 320, 700.190

An abstract of judgment is a form which lists the amount of money awarded through judgment or decree, the court in which the award or order was entered and the date, the names of the judgment debtor and judgment creditor. This document is then recorded, placing lien against any real property the judgment debtor may have in that county, and provided the judgment creditor an additional means of securing satisfaction of a money judgment.

Require:

Pleadings – presented on the form as adopted for use by the Judicial Council:

 Abstract of Support Judgment – FL-480

Fee \$ filing fee as required under GC §26828 unless there is a fee waiver under GC §68511.3 (indigent)

Check:



Court file

To verify underlying order the Abstract of Judgment is based upon is still in effect. Information for the abstract will come from the order/judgment. Be sure to verify all the information before issuing the abstract.

 **Abstract of Judgment**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 – as applicable
 - #1a through 1d - judgment debtor information
- ☒ dated and signed by applicant or attorney

Section 2

- ☒ #3 – judgment creditor's name
- ☒ #4 – if support is assigned to be paid to a county officer
- ☒ #5 – judgment debtor's full name as it appears in the order/judgment
- ☒ #6a through 6c as appropriate
- ☒ #7, 8 or 9 if applicable

Process:

- ☒ affix the court seal
- ☒ insert date and the court clerk's name (if not preprinted for your court)
- ☒ sign as deputy

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NOTES

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

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ADOPTIONS
(Family Code §§ 8500, et seq.)

Adoption is the legal process by which an adult becomes the legal parent of someone who is not his or her biological child. Adoption creates a parent-child relationship recognized for all legal purposes including child support obligations, inheritance rights and custody. A married person may not adopt a child without the consent of their spouse.

Adoption procedures are confidential. They are not open to inspection by any person other than the petitioners to the proceeding, their attorneys and the California Department of Social Services (CDSS). The only exception to the confidentiality requirement is by order of the Court. (FC §§ 9200, et seq.)

The codes that regulate adoptions are set forth in the California Family Code §8500 through §9340.

TYPES OF ADOPTION

Stepparent
(FC § 8548)

The adoption of a child by a stepparent (or domestic partner) where one birth parent retains custody and control of the child.

Independent
(FC § 8524)

In an independent adoption, birth parents choose the prospective parents and place the child directly with them. When making this decision, a birth parent must have personal knowledge of certain facts about the adopting parents. The birth parent placing the child for adoption must receive an advisement of rights, responsibilities, and options from an Adoption Service Provider (ASP). The birth parent must also sign an Independent Adoption Placement Agreement (AD 924), which in 30 days automatically becomes an irrevocable consent to adoption unless revoked within that time.

Agency
(FC § 8506)

In an agency adoption, a licensed public or private adoption agency or a CDSS adoptions district office places the child for adoption. The birth parent's parental rights are terminated either by court order or by the filing of a relinquishment. The adoption agency becomes legally responsible for the care, custody and control of the child. The agency studies and approves adoptive applicants before placing a child in their home for adoption, then supervises the placement for six or more months before the court approves the adoption.

Intercountry
(FC § 8527)

Adopting children from all over the world has become something U.S. residents and citizens have been doing more and more when starting or expanding their families and providing safe, loving homes to children in need. There are two

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**Adult
(FC § 9300)**

ways to bring an adopted child into the United States. The fastest and easiest way is to adopt an orphan who automatically becomes eligible to enter the United States as an immediate relative. Only U.S. citizens are eligible to immigrate a child as an orphan. The second way is to adopt a child and reside with that child for two years prior to petitioning for the child. U.S. citizens and lawful permanent residents may immigrate a child with whom they have lived for two years.

Prospective adoptive parents may find the services of an adoption agency helpful for guidance and assistance with the immigration of orphans and adoptive children.

The adoption of a foreign-born orphan does not automatically guarantee the child's eligibility to immigrate to the United States. The adoptive parent needs to be aware of U.S. immigration law and legal regulatory procedures. An orphan cannot legally immigrate to the United States without U.S. Citizenship and Immigration Services processing. Prospective adoptive parents should also visit the Department of State website for additional information concerning country conditions.

The adoption where the petitioner (adopting party) and the person being adopted have each attained majority of age in this state.

PARTIES TO AN ADOPTION

WHO MAY ADOPT	WHO MAY BE ADOPTED	WHO MAY PLACE A CHILD FOR ADOPTION
<ul style="list-style-type: none"> • An adult. (FC § 8600) • An adoptive parent must be at least 10 years older than the child, except under conditions specified in subdivision (b) (FC § 8601) 	<ul style="list-style-type: none"> • An unmarried minor. (FC § 8600) • An adult may be adopted by another adult, including a stepparent (FC § 9300(a), § 9301) • A married minor may be adopted in the same manner as an adult (FC § 9300(b), § 9302) 	<ul style="list-style-type: none"> • The child's birth parent. (FC § 8801) • Licensed adoption agency • CDSS (FC § 8704) • An attorney acting as an adoption service provider (FC § 8502)

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CONSENT TO AN ADOPTION

WHO MUST CONSENT	<ul style="list-style-type: none">• The birth parents, if living. (FC § 8604)• A child 12 years or older must consent to the adoption (FC § 8602)	<p>The parent having custody if the other parent:</p> <ul style="list-style-type: none">• fails to communicate with and support the child, and;• fails to respond to notice of adoption. (FC § 8603)
PARENTAL CONSENT IS NOT NECESSARY WHEN	<p>The parent has:</p> <ul style="list-style-type: none">• Relinquished rights or had them terminated;• Deserted the child. (FC § 8606)	<ul style="list-style-type: none">• Parent willfully fails to contact or support the child for one year. (FC § 8604)
WHEN CONSENT CAN BE EXECUTED	<ul style="list-style-type: none">• In a direct placement, consent may only take place after the discharge of the birth mother from the hospital. (FC § 8801.3)	<ul style="list-style-type: none">• Relinquishment to an agency can take place any time after birth of the child. (FC § 8700)
HOW CONSENT MUST BE EXECUTED	<ul style="list-style-type: none">• In a direct placement, consent must take place in the presence of an Adoption Service Provider or other delegated agent, who has advised the parents of their rights. (FC §§ 8801.3; 8814)	<ul style="list-style-type: none">• In an agency adoption, a form is signed before 2 witnesses and acknowledged before an official of the agency. (FC § 8700)

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**REVOCATION
OF
CONSENT**

- In a direct placement, after consent has been given, the parents have 90 days to submit a signed revocation and request return of the child or sign a waiver of the right to revoke consent. (FC § 8814.5)
- In agency adoption, consent is final and may only be rescinded by mutual consent, unless the birth parent has specified an adoptive parent and that placement is not finalized; then the parent has 30 days to rescind. (FC § 8700)

JUDICIAL COUNCIL FORMS

The Judicial Council has adopted for mandatory use the following forms:

FORM #	NAME OF FORM and PURPOSE
ADOPT-050	HOW TO ADOPT A CHILD IN CALIFORNIA Instruction information regarding the adoption forms and process.
ADOPT-200	ADOPTION REQUEST Used to file a Stepparent, Independent, Intercountry and Agency adoption. (FC §§ 8714, 8802 and W&I § 16119). <i>Adult adoption continues to be done in pleading format (check with your local court for local forms created and adopted for adult adoptions).</i>
ADOPT-210	ADOPTION AGREEMENT Used to obtain consent of child over 12 or older being adopted. Consent and agreement of Petitioner(s) to treat adopted child as their/his/her lawful child with the same rights as a natural child including all rights to inheritance. (FC §§ 8602, 8604, 8605 and 8606).
ADOPT-215	ADOPTION ORDER Used by Court to make and enter an order or decree of adoption of the child by the prospective adoptive parent(s). (FC §§ 8612 and 8714).
ADOPT-220	ATTACHMENT TO PETITION FOR ADOPTION - ADOPTION OF INDIAN CHILD Used in accordance with 25 U.S.C. § 1951. It requires that any state court entering a final decree or adoptive order for any Native American Indian child shall within 30 days provide the Secretary of the Interior a copy of the decree or order, together with any information necessary to show the name of the Indian child, D.O.B, tribal affiliation & number, name of biological parents, grandparents, addresses, name of agencies.

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ADOPT-225 PARENT OF INDIAN CHILD AGREES TO END PARENTAL RIGHTS

Used in accordance with 25 U.S.C. § 1913. Consent of biological parent(s) of Indian child to terminate parental rights and execution of certification before a Judge of the Superior Court.

ADOPT-230 ADOPTION EXPENSES

Used by the Petitioners in a proceeding for adoption to report a full accounting of all disbursements of anything of value made or agreed to be made by them or their behalf in the related to the adoption or the placement of the child for adoption. (FC § 8610). (*Not required if petitioner is stepparent of child*)

ADOPT-310 CONTACT AFTER ADOPTION AGREEMENT

Used to permit continuing contact between the birth relatives, including birth parents and the child if the court agrees that it is in the best interest of the child. It allows for parties to file future Request to: Enforce, Change, End Contact After Adoption Agreement of continuing contact through due process without affecting the validity of the adoption. (FC §§ 8714.5, 874.7; W&I § 366.26).

ADOPT-315 REQUEST TO: ENFORCE, CHANGE, END CONTACT AFTER ADOPTION AGREEMENT

Used to enforce, modify or terminate the postadoption contact agreement. Before filing this form parties must have participated or attempted to participate in good-faith mediation or other appropriate dispute resolution. (FC §§ 8714.5, 8714.7; W&I § 366.26).

ADOPT-320 ANSWER TO REQUEST TO: ENFORCE, CHANGE, END CONTACT AFTER ADOPTION AGREEMENT

Used to respond to the Request to: Enforce, Change, End Contact After Adoption Agreement. (FC §§ 8714.5, 8714.7; W&I § 366.26).

ADOPT-325 JUDGE'S ORDER TO: ENFORCE, CHANGE, END CONTACT AFTER ADOPTION AGREEMENT

Orders made by court to enforce, modify or terminate postadoption contact. This does not affect the validity of the adoption. The adoption remains with or without the postadoption contact agreement. (FC §§ 8714.5, 8714.7; W&I § 366.26).

ADDITIONAL DOCUMENTS

AD 2 STEPPARENT ADOPTION – Consent to Adoption by Parent Retaining Custody

Consenting parent allowing spouse of other parent to adopt child signs the form in the presence of the Clerk of the Superior Court, the Probation Officer or County Welfare Departments.

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- AD 2A** **STEPPARENT ADOPTION – Consent to Adoption by Parent in California Giving Custody to Husband or Wife of Other Parent**
Consenting parent giving child up for adoption signs the form in the presence of the Clerk of the Superior Court, the Probation Officer or County Welfare Departments.
- AD 2B** **STEPPARENT ADOPTION – Consent to Adoption by Parent Outside California Giving Custody to Husband or Wife of Other Parent**
Consenting parent allowing spouse of other parent to adopt child signs the form in the presence of the Clerk of the Superior Court, the Probation Officer or County Welfare Departments.
- VS 44** **COURT REPORT OF ADOPTION**
Upon granting the adoption, the original is mailed to the State Department of Vital Statistics for the creation and issuance of a new birth certificate for the newly adopted child.

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STEPPARENT ADOPTION
(FC §§ 8548, 9000)

The adoption of a child by a stepparent (or domestic partner) where one birth parent retains custody and control of the child.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Adoption Request – ADOPT-200
- ☐ Stepparent Adoption/Consent to Adoption by Parent Retaining Custody – AD-2 a California Department of Social Services form
- ☐ Stepparent Adoption/Consent to Adoption by Parent in California Giving Custody to Husband or Wife or Domestic Partner of Other Parent – AD-2A which is a California Department of Social Services form

OR

- ☐ Stepparent Adoption/Consent to Adoption by Parent Outside California Giving Custody to Husband or Wife or Domestic Partner of Other Parent – AD-2A which is a California Department of Social Services form
- ☐ Adoption Agreement – ADOPT-210 (Lodged to be signed at hearing)
- ☐ Order for Adoption –ADOPT-215 (Lodged to be signed at hearing)

Fee \$ filing fee as required under GC §26830

Check:

☐ **Adoption Request**

- ☒ #1 - filing party information – name, address, and phone number of petitioner, and attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ #2 one box must be marked
- ☒ #3 & 4 must be complete
- ☒ #5 one box must be marked, if “yes” check for information
- ☒ #6 one box must be marked, if “yes” check for information
- ☒ #6 one box must be marked, if “yes” check for information
- ☒ #7 one box must be marked, if “yes” check for information
- ☒ #8 - 18 if appropriate
- ☒ #19 completed as appropriate
- ☒ #20 signed if appropriate
- ☒ dated and signed by adopting parent

Process:

- ☐ assign a case number
- ☐ file stamp the Adoption Request and conform the copies
- ☐ depending on court policy route copy of petition to the Court Investigator or set up the appointment with the Court Investigator

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Check:

☞ Consent to Adoption by Parent Retaining Custody - AD 2

- ☒ County name and Petitioner name are to be completed
- ☒ blanks completed as appropriate
- ☒ signed by the parent before either the Clerk of the Superior Court, or a Probation Officer, or other person delegated
- ☒ signature of person signed before

Process:

- ☒ file stamp the Consent and conform the copies

Check:

☞ Consent to Adoption by Parent Giving up Custody - AD 2A or AD 2B

- ☒ County name and Petitioner name are to be completed
 - ☒ blanks completed as appropriate
 - ☒ AD 2A is to be signed by the parent before either the Clerk of the Superior Court, or a Probation Officer, or other person delegated
- OR
- ☒ AD 2B is to be signed before a notary
 - ☒ signature of person signed before

Process:

- ☒ file stamp the Consent and conform the copies

Notes:



The California Department of Social Services is to be sent a copy of the form ADOPT-200, and either the placement agreement if there is one, or a cover sheet with the child's birth name and birth parent's names to the Department of Social Services **in lieu of form AD 3 (Notification of Pendency of Action)**. The address is:

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
744 P STREET, M/S 17-18
SACRAMENTO, CA 95814
(Address verified 05/05)



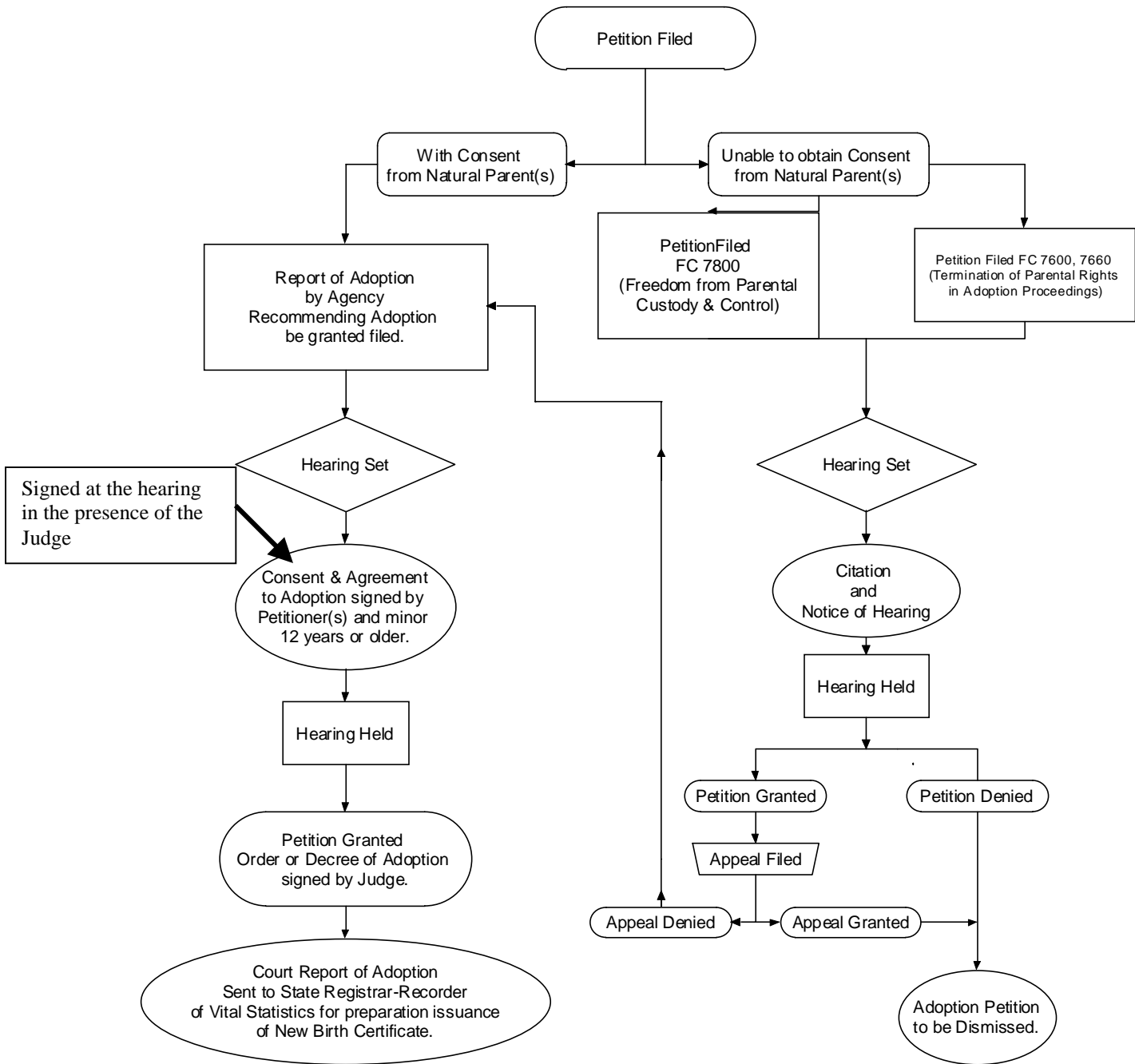
The Adoption Agreement – ADOPT-210 is signed by the child if over 12 years of age at the adoption hearing.



The Adoption hearing is generally set after the Court Investigator has completed the investigation and the report

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STEPPARENT ADOPTION - FC §9000



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AGENCY ADOPTION
(FC §8700)

The adoption of a minor (other than an intercountry adoption) where a licensed adoption agency is a party to, or joins in, the adoption petition. (Either natural parent or both have relinquished the child to a licensed adoption agency for placement, or the child has been freed from parental custody and control and the child has been referred to an adoption agency for adoption).

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Adoption Request – ADOPT-200
- ☐ Adoption Expenses – ADOPT-230

Optional at the time of filing:

- ☐ Consent and Joinder of the Adoption Agency
- ☐ Order for Adoption –ADOPT-215 (Lodged to be signed at hearing)

Fee \$ filing fee as required under GC §26830

Check:

☐ **Adoption Request**

- ☒ #1 - filing party information – name, address, and phone number of petitioner, and attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ #2 one box must be marked
- ☒ #3 must be complete
- ☒ #4 one box must be marked, if “yes” check for information
- ☒ #5 one box must be marked, if “yes” check for information
- ☒ #6 one box must be marked, if “yes” check for information
- ☒ #7 if applicable
- ☒ #8 one box must be marked
- ☒ #9 through 19 completed as appropriate
- ☒ dated and signed by adopting parent

Process:

- ☐ assign a case number
- ☐ file stamp the Adoption Request and the Adoption Expenses and conform the copies

Notes:



Submit a copy of the form ADOPT-200, and either the placement agreement if there is one, or a cover sheet with the child’s birth name and birth parent’s names to the Department of Social Services **in lieu of form AD 3 (Notification of Pendency of of Action)**. The address is:

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
744 P STREET M/S 17-18
SACRAMENTO, CA 95814

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The Adoption Agency will send a packet to the court, which generally includes the birth parents consents or termination orders with their report and their consent and joinder.

Agency Adoption FC 8700



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INDEPENDENT ADOPTION
(FC §§8542, 8800)

The adoption of a child in which neither the California Department of Social Services (CDSS) nor an agency licensed by the CDSS is a party to, or joins in, the adoption petition. (The minor is placed by its parent(s), who consent to the adoption, by specific individuals).

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Adoption Request – ADOPT-200
- ☐ Adoption Expenses – ADOPT-230
- ☐ Adoption Placement Agreement signed by one or both of the birth parents and by both prospective adoptive parents and by the Adoption Service Provider
- ☐ A consent to the adoption signed by a birth parent who has not signed the adoption placement agreement
- ☐ Consent to dual representation if the attorney is representing both the prospective adoptive parents and the birth parents

Optional at the time of filing:

- ☐ Consent and Joinder by the Department of Social Services (DSS) or the delegated county adoption agency if the consent of the birth parent(s) is not necessary
- ☐ Report and recommendation of the DSS or the agency regarding the proposed adoption
- ☐ Consent by child 12 years of age or older (Lodged to be signed at hearing)
- ☐ Order for Adoption –ADOPT-215 (Lodged to be signed at hearing)

Fee \$ filing fee as required under GC §26830

Check:

☐ **Adoption Request**

- ☒ #1 - filing party information – name, address, and phone number of petitioner, and attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ #2 one box must be marked
- ☒ #3 must be complete
- ☒ #4 one box must be marked, if “yes” check for information
- ☒ #5 one box must be marked, if “yes” check for information
- ☒ #6 one box must be marked, if “yes” check for information
- ☒ #7 if applicable
- ☒ #8 one box must be marked
- ☒ #9 through 19 completed as appropriate
- ☒ dated and signed by adopting parent

Process:

- ☐ assign a case number
- ☐ file stamp the Adoption Request and other documents submitted and conform the copies

Notes:



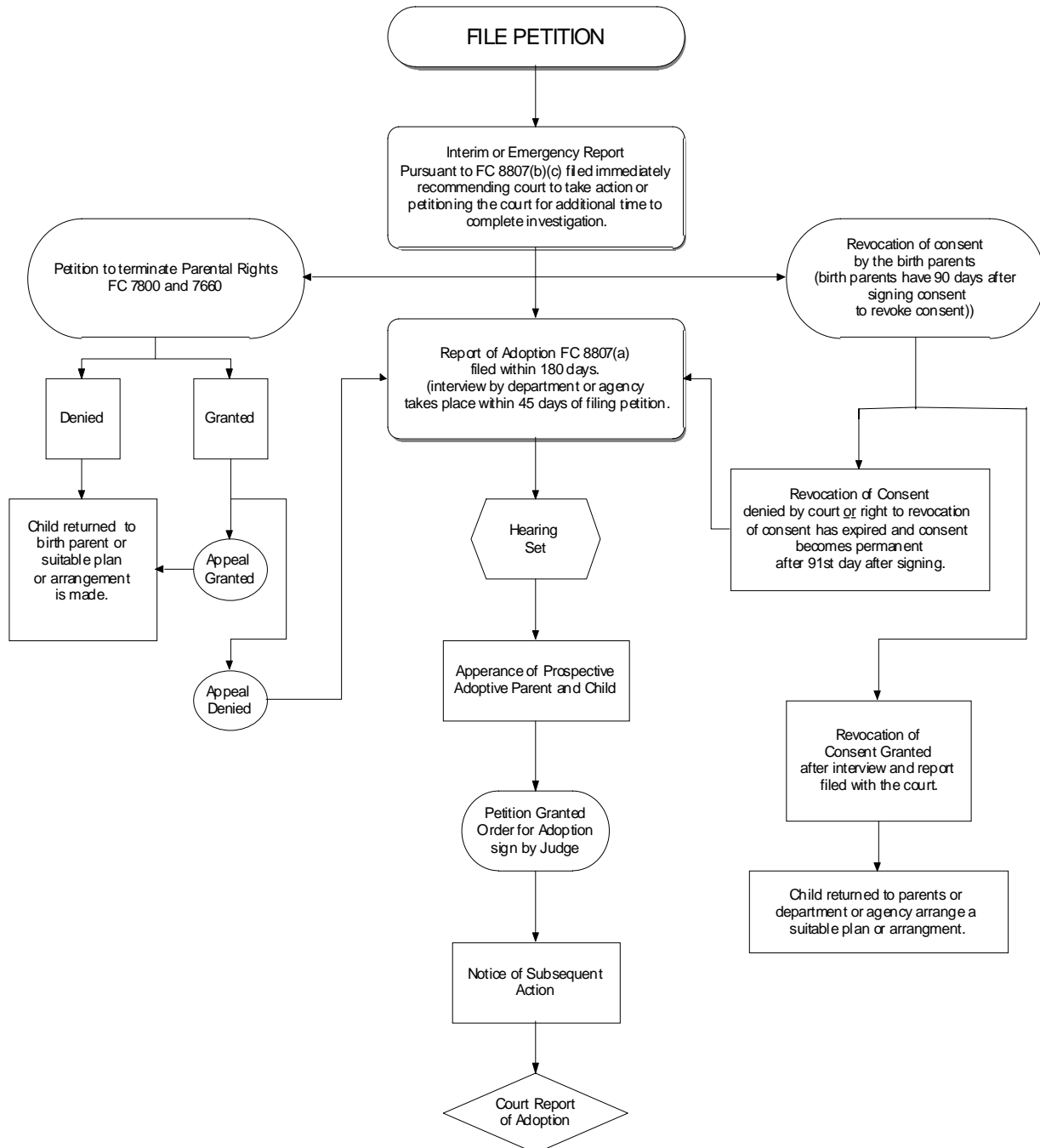
Submit a copy of the form ADOPT-200, and either the placement agreement if there is one, or a cover sheet with the child’s birth name and birth parent’s names to the Department of

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Social Services **in lieu of form AD 3 (Notification of Pendency of Action)**. The address is:

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
744 P STREET, M/S 19-31
SACRAMENTO, CA 95814

INDEPENDENT ADOPTION FC 8800



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INTERCOUNTRY ADOPTION
(FC §8900)

The adoption of a foreign-born child for whom federal law makes a special immigration visa available. Intercountry adoption includes completion of the adoption in the child's native country or completion of the adoption in this state. The adoption does not confer U.S. citizenship to the foreign-born child, and additional steps are necessary to fulfill requirements of federal immigration and naturalization laws.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Adoption Request – ADOPT-200
- ☐ Adoption Expenses – ADOPT-230

Optional at the time of filing:

- ☐ Consent and Joinder of the Adoption Agency
- ☐ Order for Adoption –ADOPT-215 (Lodged to be signed at hearing)

Fee \$ filing fee as required under GC §26830

Check:

☐ **Adoption Request**

- ☒ #1 - filing party information – name, address, and phone number of petitioner, and attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ #2 one box must be marked
- ☒ #3 must be complete
- ☒ #4 one box must be marked, if “yes” check for information
- ☒ #5 one box must be marked, if “yes” check for information
- ☒ #6 one box must be marked, if “yes” check for information
- ☒ #7 if applicable
- ☒ #8 one box must be marked
- ☒ #9 through 19 completed as appropriate
- ☒ dated and signed by adopting parent

Process:

- ☒ assign a case number
- ☒ file stamp the Adoption Request and conform the copies

Notes:



Submit a copy of the form ADOPT-200, and either the placement agreement if there is one, or a cover sheet with the child's birth name and birth parent's names to the Department of Social Services **in lieu of form AD 3 (Notification of Pendency of Action)**. The address is:

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
744 P STREET, M/S 19-31
SACRAMENTO, CA 95814

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**INTERCOUNTRY ADOPTIONS –
FAMILY.CODE
SECTION 8900-8920 (relevant sections, not all of them)**

8900. Intercountry adoption services described in this chapter shall be exclusively provided by private adoption agencies licensed by the department specifically to provide these services.

8901. The department shall adopt regulations to administer the intercountry adoption program.

8902. For intercountry adoptions that will be finalized in this state, the licensed adoption agency shall provide all of the following services:

- (a) Assessment of the suitability of the applicant's home.
- (b) Placement of the foreign-born child in an approved home.
- (c) Postplacement supervision.
- (d) Submission to the court of a report on the intercountry adoptive placement with a recommendation regarding the granting of the petition.
- (e) Services to applicants seeking to adopt related children living in foreign countries. The Legislature recognizes that these children have an impelling need for adoptive placement with their relatives.

8903. (a) For each intercountry adoption finalized in this state, the licensed adoption agency shall assume all responsibilities for the child including care, custody, and control as if the child had been relinquished for adoption in this state from the time the child left the child's native country.

(b) Notwithstanding subdivision (a), if the child's native country requires and has given full guardianship to the prospective adoptive parents, the prospective adoptive parents shall assume all responsibilities for the child including care, custody, control, and financial support.

(c) If the licensed adoption agency or prospective adoptive parents fail to meet the responsibilities under subdivision (a) or (b) and the child becomes a dependent of the court pursuant to Section 300 of the Welfare and Institutions Code, the state shall assume responsibility for the cost of care for the child. When the child becomes a dependent of the court and if, for any reason, is ineligible for AFDC under Section 14005.1 of the Welfare and Institutions Code and loses Medi-Cal eligibility, the child shall be deemed eligible for Medi-Cal under Section 14005.4 of the Welfare and Institutions Code and the State Director of Health Services has authority to provide payment for the medical services to the child that are necessary to meet the child's needs.

8904. For an intercountry adoption that will be finalized in a foreign country, the licensed adoption agency shall provide all of the following services:

- (a) Assessment of the suitability of the applicant's home.
- (b) Certification to the Immigration and Naturalization Service that this state's intercountry adoption requirements have been met.
- (c) Readoption services as required by the Immigration and Naturalization Service.

8910. (a) In no event may a child who has been placed for adoption be removed from the county in which the child was placed, by any person who has not petitioned to adopt the child, without first obtaining the written consent of the licensed adoption agency responsible for the child.

(b) During the pendency of an adoption proceeding:

(1) The child proposed to be adopted may not be concealed within the county in which the adoption proceeding is pending.

(2) The child may not be removed from the county in which the adoption proceeding is pending unless the petitioners or other interested persons first obtain permission for the removal from the court, after giving advance written notice of intent to obtain the court's permission to the licensed adoption agency responsible for the child. Upon proof of giving notice, permission may be granted by the court if, within a period of 15 days after the date of giving notice, no objections are filed with the court by the licensed adoption agency responsible for the child. If the licensed adoption agency files objections within the 15-day period, upon the request of the petitioners the court shall immediately set the matter for hearing and give to the objector, the petitioners, and the party or parties requesting permission for the removal reasonable notice of the hearing by certified mail, return receipt requested, to the address of each as shown in the records of the adoption proceeding.

Upon a finding that the objections are without good cause, the court may grant the requested permission for removal of the child, subject to any limitations that appear to be in the child's best interest.

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(c) This section does not apply in any of the following situations:

(1) Where the child is absent for a period of not more than 30 days from the county in which the adoption proceeding is pending, unless a notice of recommendation of denial of petition has been personally served on the petitioners or the court has issued an order prohibiting the removal of the child from the county pending consideration of any of the following:

(A) The suitability of the petitioners.

(B) The care provided the child.

(C) The availability of the legally required agency consents to the adoption.

(2) Where the child has been returned to and remains in the custody and control of the child's birth parent or parents.

(3) Where written consent for the removal of the child is obtained from the licensed adoption agency responsible for the child.

(d) A violation of this section is a violation of Section 280 of the Penal Code.

(e) Neither this section nor Section 280 of the Penal Code may be construed to render lawful any act that is unlawful under any other applicable law.

8911. As a condition of placement, the prospective adoptive parents shall file a petition to adopt the child under Section 8912 within 30 days of placement.

8912. (a) A person desiring to adopt a child may for that purpose file a petition in the county in which the petitioner resides. The court clerk shall immediately notify the department at Sacramento in writing of the pendency of the proceeding and of any subsequent action taken.

(b) The caption of the adoption petition shall contain the names of the petitioners, but not the child's name. The petition shall state the child's sex and date of birth. The name the child had before adoption shall appear in the joinder signed by the licensed adoption agency.

(c) If the child is the subject of a guardianship petition, the adoption petition shall so state and shall include the caption and docket number or have attached a copy of the letters of the guardianship or temporary guardianship. The petitioners shall notify the court of any petition for guardianship or temporary guardianship filed after the adoption petition. The guardianship proceeding shall be consolidated with the adoption proceeding.

(d) The order of adoption shall contain the child's adopted name, but not the name the child had before adoption.

(e) If the petitioner has entered into a postadoption contact agreement with the birth parent as set forth in Section 8616.5, the agreement, signed by the participating parties, shall be attached to and filed with the petition for adoption.

8913. The prospective adoptive parents and the child proposed to be adopted shall appear before the court pursuant to Sections 8612 and 8613.

8914. If the licensed adoption agency is a party to or joins in the adoption petition, it shall submit a full report of the facts of the case to the court. The department may also submit a report.

8915. When any report or findings are submitted to the court by a licensed adoption agency, a copy of the report or findings, whether favorable or unfavorable, shall be given to the petitioner's attorney in the proceeding, if the petitioner has an attorney of record, or to the petitioner.

8916. (a) If the petitioners move to withdraw the adoption petition or to dismiss the proceeding, the court clerk shall immediately notify the department at Sacramento of the action. The licensed adoption agency shall file a full report with the court recommending a suitable plan for the child in every case where the petitioners desire to withdraw the adoption petition or where the licensed adoption agency recommends that the adoption petition be denied and shall appear before the court for the purpose of representing the child.

(b) Notwithstanding the petitioners' withdrawal or dismissal, the court may retain jurisdiction over the child for the purpose of making any order for the child's custody that the court deems to be in the child's best interest.

8917. (a) If the licensed adoption agency finds that the home of the petitioners is not suitable for the child or that the required agency consents are not available and the agency recommends that the petition be denied, or if the petitioners desire to withdraw the petition and the agency recommends that the petition be denied, the clerk upon receipt of the report of the licensed adoption agency shall immediately refer it to the court for review.

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(b) Upon receipt of the report, the court shall set a date for a hearing of the petition and shall give reasonable notice of the hearing to the licensed adoption agency and the petitioners by certified mail, return receipt requested, to the address of each as shown in the proceeding.

(c) The licensed adoption agency shall appear to represent the child.

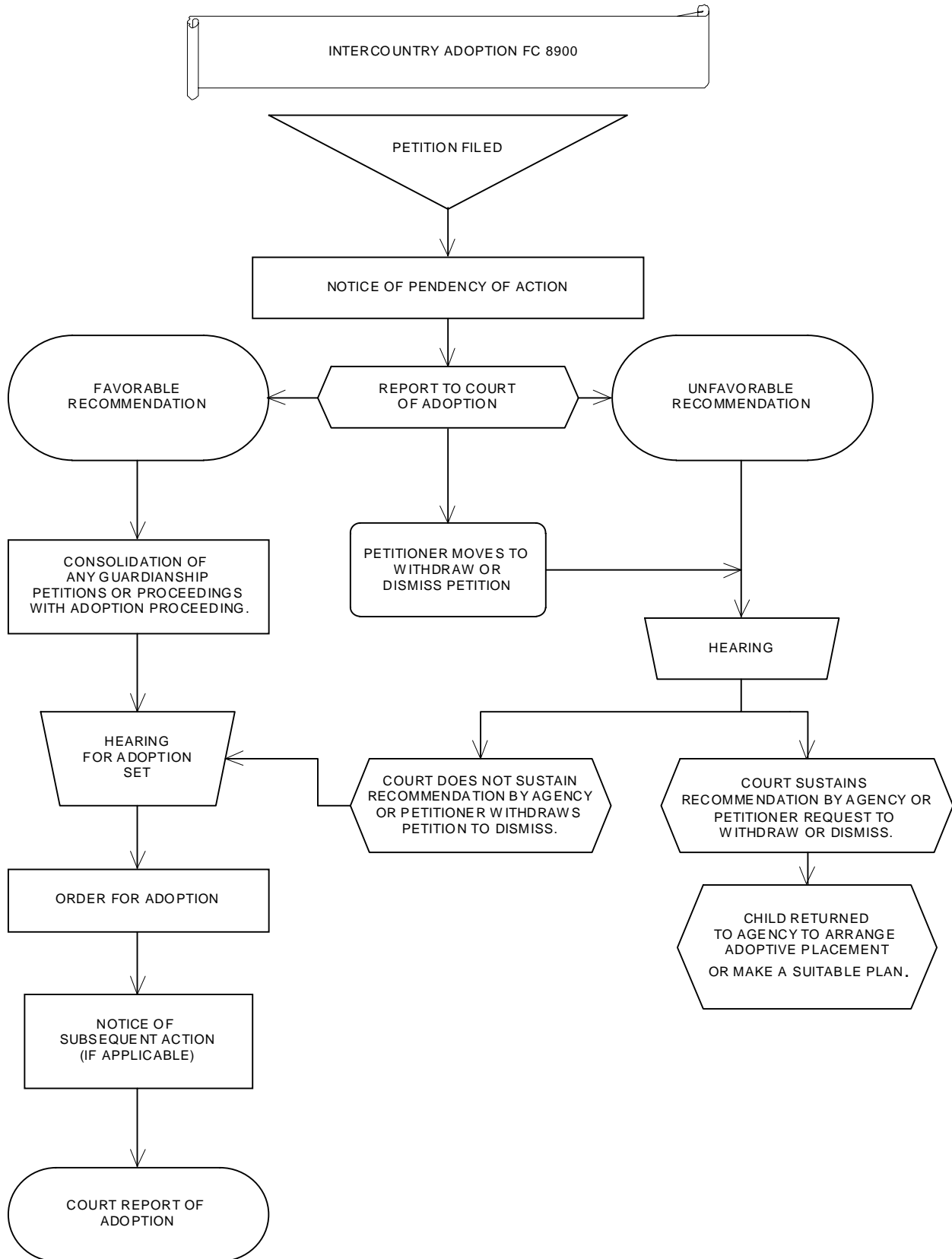
8918. At the hearing, if the court sustains the recommendation that the child be removed from the home of the petitioners because the licensed adoption agency has recommended denial or the petitioners desire to withdraw the petition or the court dismisses the petition and does not return the child to the child's parents, the court shall commit the child to the care of the licensed adoption agency for the agency to arrange adoptive placement or to make a suitable plan.

8919. (a) Each state resident who adopts a child through an intercountry adoption that is finalized in a foreign country shall readopt the child in this state if it is required by the Immigration and Naturalization Service. The readoption shall include, but is not limited to, at least one postplacement in-home visit, the filing of the adoption petition pursuant to Section 8912, the intercountry adoption court report, accounting reports, and the final adoption order. No readoption order shall be granted unless the court receives a report from an adoption agency authorized to provide intercountry adoption services pursuant to Section 8900.

(b) Each state resident who adopts a child through an intercountry adoption that is finalized in a foreign country may readopt the child in this state. The readoption shall meet the standards described in subdivision (a).

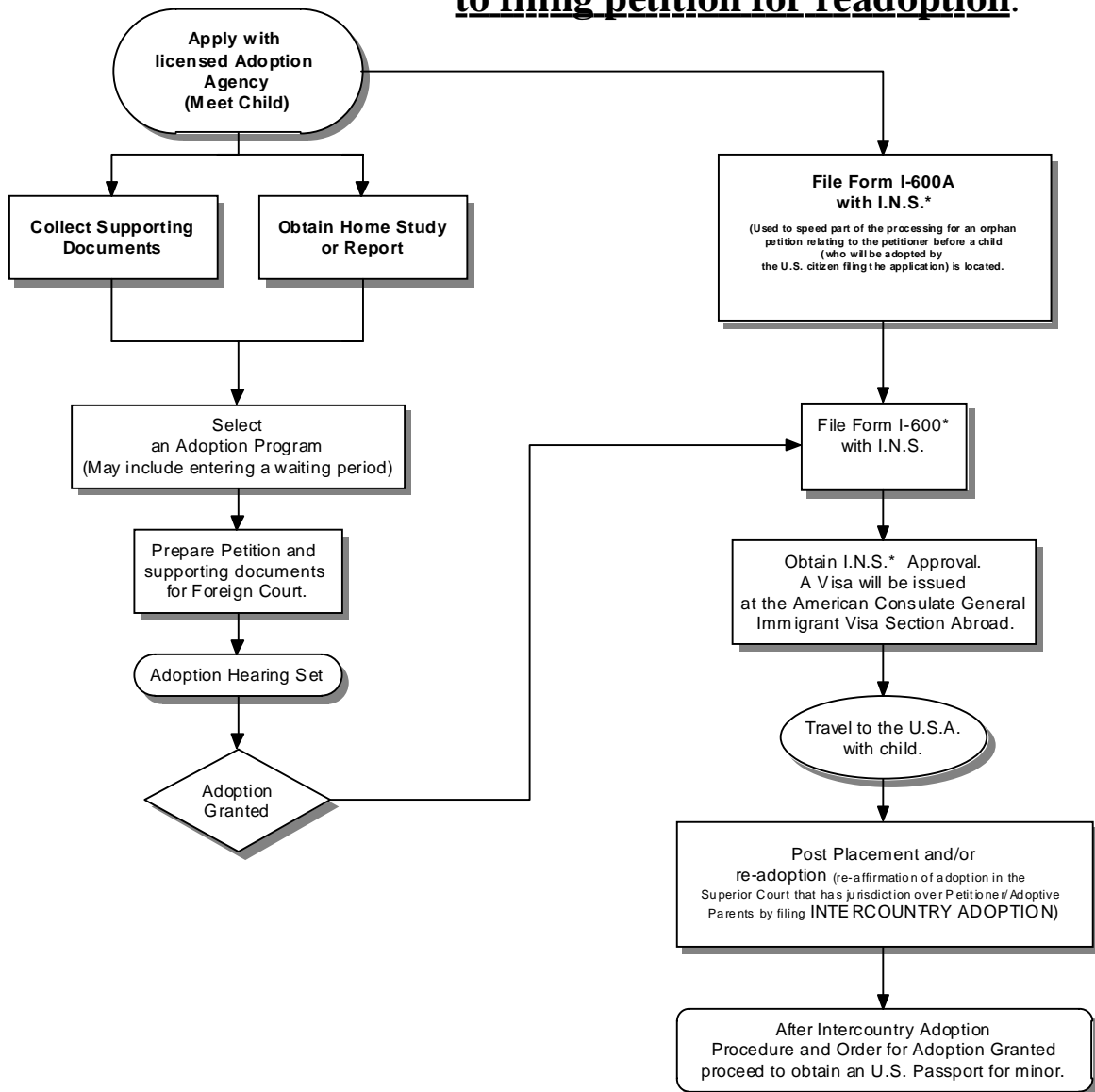
(c) In addition to the requirement or option of the readoption process set forth in this section, each state resident who adopts a child through an intercountry adoption which is finalized in a foreign country may obtain a birth certificate in the State of California in accordance with the provisions of Section 103450 of the Health and Safety Code.

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INTERCOUNTRY ADOPTION PROCESS FLOWCHART

**Note: General overview prior
to filing petition for readoption.**



* I.N.S. "Short for Immigration & Naturalization Service"
(a subdepartment of the U.S. Dept. of Justice).

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ADULT ADOPTION
(FC §§9300-9320)

The adoption where the petitioner (adopting party) and the person being adopted have each attained majority of age in this state.

Require:

Pleadings – presented in pleading format:

- ☐ Petition for Adoption
- ☐ Adoption Agreement (FC §9320)
- ☐ Consent of Spouse of prospective Adoptive Parent (FC §9301)
- ☐ Consent of Spouse of prospective Adoptee (FC §9301)
- ☐ Order (Lodged to be signed at hearing)

Fee \$ filing fee as required under GC §26830

Check:

☐ **Petition for Adoption**

- ☒ filing party information – name, address, and phone number of petitioner, and attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct names in caption
- ☒ dated and signed by petitioner

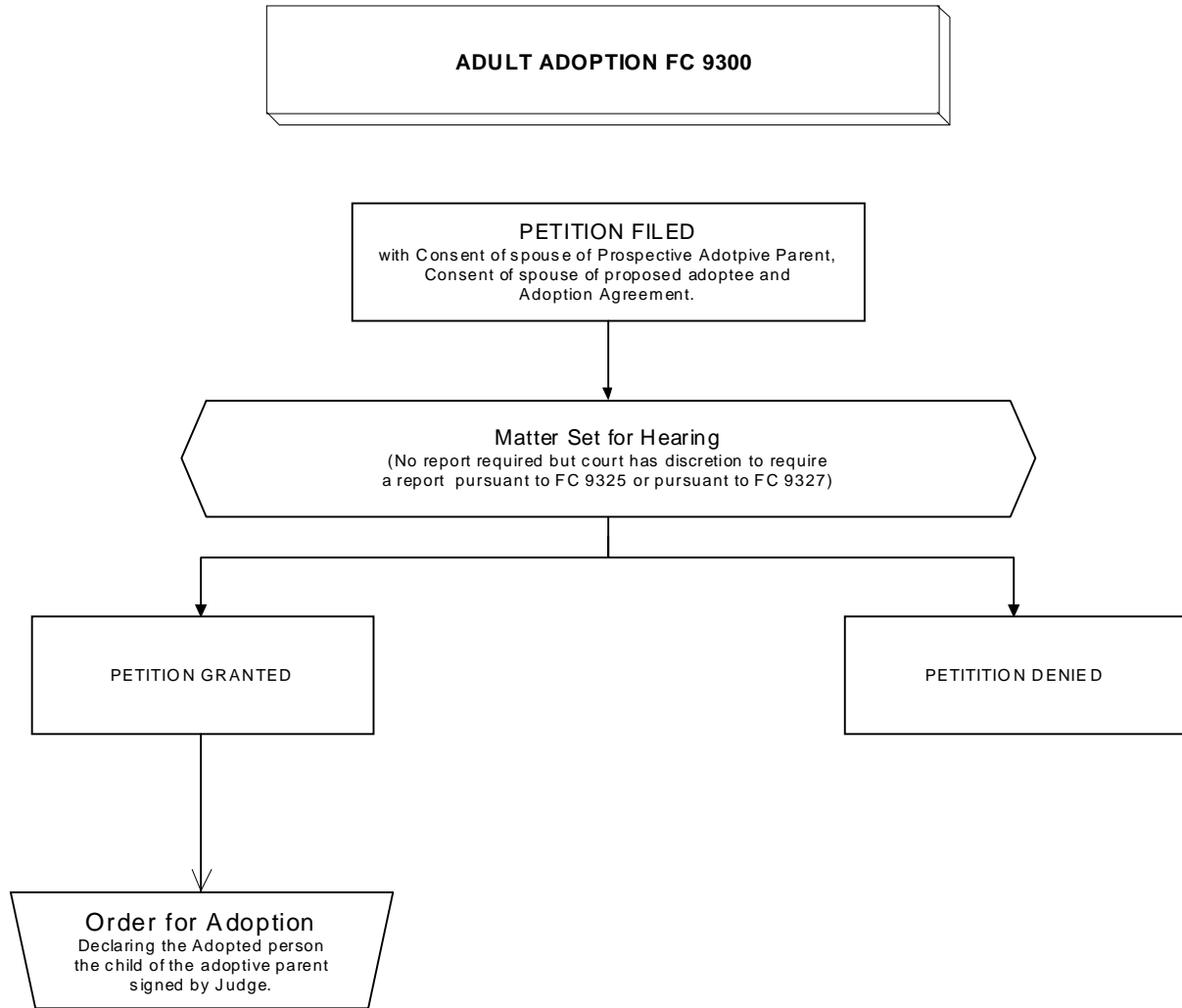
Process:

- ☒ assign a case number
- ☒ file stamp the petition and other supporting documents and conform the copies

Notes:

- ☐ The Department of Social Services does not get notice of adult adoptions.
- ☐ There is no investigation done by the Court Investigator or other authorized representative so the matter can be set immediately for hearing.

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Note: Any person adopted under the FC9300, 9320 may file a petition to terminate relationship of parent and child with or without consent of the adoptive parent with a noticed hearing any time after the adoption has taken place

NOTES

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IN FORMA PAUPERIS/FEE WAIVER (CRC §985)

[In the character or manner of a pauper]

The procedure for waiver of fees is a statutory provision for allowing indigent persons to proceed in litigation without the liability of court fees and costs.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Application for Waiver of Court Fees and Costs – CRC 982(a)(17)
- ☐ Order on Application for Waiver of Court Fees and Costs – CRC 982(a)(18)
- ☐ Application for Waiver of Additional Fees and Costs – used only if a previous waiver of court fees and costs has been granted – CRC 982(a)(20)
- ☐ Order on Application for Waiver of Additional Fees – CRC 982(a)(18.1)

Check:

☐ **Application for Waiver of Court Fees and Costs**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 complete a or b as applicable
- ☒ #2 current address
- ☒ #3 a and b **must** be completed
- ☒ #4, 5, 6 or 7 **must** be completed in accordance with the instructions on the application form, including any additional information required on the reverse side of the form. If #4 is completed, then either #5 a b or c **must** be completed. If #5b is checked, the social security number and date of birth must be indicated. If #5c is checked, applicant must attach documents to verify the benefits in item 4.
- ☒ the information sheet has a list of acceptable documents
- ☒ signature and date of filing party

☐ **Order**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 should be completed with the date the application was filed
- ☒ #2 should be completed with name of applicant

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Process:

- ☒ file stamp the application and conform the copies
- ☒ submit the application **with** the order to the court for signature

If the order is granted by the court, or if the clerk is granted authority under CRC §985(d):

- ☒ file stamp the order
- ☒ complete #3 of the order as appropriate
- ☒ retain the application in a confidential manner in compliance with CRC §985(h)

If the order is denied by the court:

- ☒ file stamp the order
- ☒ complete #4 of the order as appropriate
- ☒ complete page 2, clerk's certificate of mailing, and mail a copy
- ☒ set tickle to strike the filing if the correct fees are not paid
- ☒ retain the application in a confidential manner in compliance with CRC §985(h)

If the court sets a hearing:

- ☒ file stamp the order
- ☒ complete #5 of the order as appropriate
- ☒ complete page 2, clerk's certificate of mailing, and mail a copy

Notes:

- ☐ Documents submitted with application are to be filed at the same time the application is filed. CRC §985(a)
- ☐ You cannot require the filing party to provide their social security number, however they do have to provide documented proof of their benefits.
- ☐ The application is granted by operation of law unless acted upon by the court within 5 days after it is filed. In this instance the clerk must execute the form "Notice of Waiver of Court Fees and Costs" CRC §985(e).
- ☐ No litigant can be required to submit an application more frequently than every 4 months. CRC §985(g)(3)

Following an application and order re waiver of court fees and costs, parties may submit an application and order for waiver of additional court fees and costs. Check for completeness, file stamp application and route both documents to court for determination. See CRC §985(j) for court fees and costs appropriate for these forms.



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**NOTICE OF LIMITED SCOPE REPRESENTATION
CCP §284**

This allows an attorney to appear in the case to represent a litigant in a limited capacity, for either a hearing or resolution of certain issues.

Require:

Pleadings – presented on the form as adopted for use by the Judicial Council:

-  Notice of Limited Scope Representation– FL-950
-  Proof of Service (reverse of form)

Check:

 **Notice of Limited Scope Representation**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1, 2, 3, 4 and 5 completed appropriately
- ☒ signatures and dates of appropriate parties
- ☒ **completed proof of service**

Process:

- ☒ file stamp the Notice of Limited Scope Representation and conform the copies

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SUBSTITUTION OF ATTORNEY CCP §284

The substitution of attorney is a document filed with the clerk to place the court on formal notification that there has been a change in the attorney of record for a particular party. This particular change in attorney has been done with the consent of both the client and the attorney(s).

Require:

Pleadings – presented on the form as adopted for use by the Judicial Council:

- ☐ Substitution of Attorney – MC-050
- ☐ Proof of Service (reverse of form)

Check:

☐ **Substitution of Attorney**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1, 2, and 3 completed appropriately
- ☒ #4, 5, and 6 – signatures and dates of appropriate parties
- ☒ **completed proof of service on reverse**

Process:

- ☒ file stamp the Substitution of Attorney and conform the copies

Notes:



Form FL-960, Notice of Withdrawal of Attorney of Record, may be filed following the entry of a final judgment if there are no pending proceedings. This would be the only time this form may be used. This form may not be used if a status only judgment is the only judgment on file. Check for completeness and file stamp.

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REQUEST FOR DISMISSAL CCP §581; CRC 1233

A dismissal is an order of judgment finally disposing of an action, motion, etc., by settling it out of court, without a trial on the issues involved. The dismissal may be requested by a party to the action and, under specific circumstances, may be entered by the clerk rather than the court.

Require:

Pleadings – presented on the form as adopted for use by the Judicial Council:

-  Request for Dismissal – 982(a)(5)
-  Notice of Entry of Dismissal – 982(a)(5.1)



DO NOT ENTER DISMISSAL IF:

- ☐ outstanding bench warrant
- ☐ pending motion for transfer (CCP §581(h))
- ☐ judgment and/or notice of entry of judgment on file
- ☐ pending appeal
- ☐ order of dismissal on file
- ☐ notice of pending bankruptcy case on file
- ☐ case transferred out of county

Check:

Request for Dismissal

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ “Type of Action” box checked appropriately
- ☒ #1a – “with” **or** “without” prejudice indicated
- ☒ #1b – completed indicating **what** is to be dismissed
 - ☒ full dismissal – “entire action”
 - ☒ partial dismissal – “petition only” or “other” specified
- ☒ date and signature of attorney or party without attorney
- ☒ date and signature of consenting party when a response has been filed

Notice of Entry of Dismissal – 982(a)(5.1)

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number

Process:

- ☒ file stamp the Request and Notice of Entry of Dismissal and conform the copies
- ☒ complete #3, 4, 5 as appropriate
- ☒ complete #6a, and 6b as appropriate
- ☒ insert date and clerk’s name
- ☒ sign as deputy

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This image shows a full page of blank, lined paper. It features approximately 20 evenly spaced horizontal black lines running across the width of the page, providing a guide for writing. The background is a solid off-white color. There are no margins, text, or other markings present.

This image shows a full page of blank white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for writing or drawing. There are no margins, text, or other markings present.

**DEPARTMENT OF CHILD SUPPORT SERVICES (DCSS)/LOCAL CHILD
SUPPORT AGENCY (LCSA)
INTRODUCTION**

- A. Governing Codes:
Department of Child Support Services (DCSS)/Local Child Support Agency (LCSA) functions/work is primarily governed by Family Code Section 17400 et seq; formerly in the Welfare and Institutions Code.
- B. Governmental Forms:
There are may Judicial Council forms designed exclusively for use in Family Support actions. Additionally, a number of Family Law forms have been designed for multi case type use in Family Law, Governmental, or Uniform Parentage matters.
- If Judicial Council has adopted the form, it **must** be used and cannot be altered. If Judicial Council has approved the form it is an optional forms, but again cannot be altered. (CRC §982)
- C. Appearances:
The attorney of record on behalf of a LCSA is an employee of that agency or an attorney designated by the director of the agency for that purpose. (CRC §5.320)
- D. Fees:
1. LCSA fee exempt pursuant to Government Code §6103.9
2. Defendant/respondent and custodial parent must pay any required fees or provide the application for waiver of court fees and costs 982(a)(17)

Notes:

- ☐ If a stipulation is filed by the LCSA there is no appearance fee due for the defendant/obligor. GC §6103
- ☐ **Exception:** Court shall not require a filing fee on a Request for Hearing on Wage Assignment. CRC §5.335(c)
Your court may have other exceptions; if you are in a position to receive fees, be sure to know your court's policies.

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**SUMMONS AND COMPLAINT
PROPOSED JUDGMENT
FC §2330.1, 17400 & 17402, et seq CRC 5.32.5**

Most local Child Support Agency matters are initiated by the filing of a complaint under Family Code §17404 et seq. This complaint is usually filed in the name of the county against the parent or alleged parent against whom a support order is sought. There are specific Judicial Council forms for these governmental complaints. The complaint may seek to establish paternity, set child support, modify existing child support, set reimbursement or aid expended on behalf of a minor child, or require a parent to provide health care coverage for a child.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Summons and Complaint – FL-600
- ☐ Proposed Judgment Regarding Parental Obligations – FL-630

Check:

☐ **Summons and Complaint- Submitted by Local Child Support Agency (LCSA)**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number (if supplemental or amended)
- ☒ appropriate box(es) checked identifying pleading
- ☒ #1 through 14 completed as appropriate
- ☒ date signed, printed name, and signature completed by prosecuting attorney

Notes:

- ☐ **Statement of Rights and Responsibilities, pages 3 & 4 of the complaint/summons form, must be attached.**
- ☐ The complaint/summons form allows for initial complaints, supplemental complaints, and/or amended complaints or supplemental complaints to be filed using this one form.
- ☐ A supplemental complaint for paternity and/or support may be filed without leave of court in any proceeding for dissolution of marriage, legal separation, or for the support of the children either before or after a final judgment in the underlying action (FC §2330.1 & 17428).

☐ **Proposed Judgment Regarding Parental Obligations**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ “Amended” and/or “Supplemental” boxes checked as appropriate – dependent upon complaint filed upon which judgment is based

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- ☒ #1 must be marked indicating **PROPOSED**
- ☒ #2 through #7 completed as appropriate

Process:

- ☒ issue case number if new filing and add case number to all documents
- ☒ file stamp and initial complaint/summons form; issue the summons portion at the bottom inserting court seal, date, clerk's name, and signing as deputy clerk
- ☒ **DO NOT FILE** the Proposed Judgment – at this point it is an attachment only pursuant to CRC 5.325(e)

Notes:

- ☐ The local child support agency is required to personally serve the following documents on the defendant:
 - ☐ Summons and complaint, including the Statement of Rights and Responsibilities, along with a copy of the Proposed Judgment Regarding Parental Obligations.
 - ☐ A blank for entitled Answer to Complaint Regarding Parental Obligations.
 - ☐ Information concerning how a defendant can obtain appointed counsel in paternity cases.
 - ☐ Medical Insurance Form.
 - ☐ Child Support Handbook.
- ☐ A supplemental complaint may be filed either before or after a final judgment, seeking a judgment or order of paternity or support for a child of the mother and father of the child whose paternity and support are already in issue before the court. A supplemental judgment entered in the proceedings shall include, when appropriate and requested in the supplemental complaint, an order establishing or modifying support for all children named in the original or supplemental actions in conformity with the statewide uniform guideline for child support. A supplemental complaint for paternity or support of children may be filed without leave of court either before or after final judgment in the underlying action. Service of the supplemental summons and complaint shall be made in the manner provided for the initial service of a summons by the Code of Civil Procedure.
- ☐ **Complaints to establish paternity are confidential (FC §7643).**

Judicial Council forms FL-600 & FL-630 follow this page

**DECLARATION FOR AMENDED PROPOSED JUDGMENT
AMENDED PROPOSED JUDGMENT
FC §17430(c)**

One of the goals of Title IV-D is to simplify procedures required for the enforcement agency to establish paternity and support orders. A number of forms have been developed to assist in this goal. The Declaration for Amended Proposed Judgment is one of these forms.

The Declaration for Amended Proposed Judgment is used only when the enforcement agency has, within 30 days of service of the summons and complaint and proposed judgment, received additional income information that changes the financial requests of the proposed judgment submitted with that summons and complaint. The enforcement agency will then submit this declaration along with an Amended Proposed Judgment. This form is not used for any other purpose, i.e. corrections or other changes that would change the original summons and complaint and proposed judgment.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Declaration for Amended Proposed Judgment – FL-616
- ☐ Amended Proposed Judgment Regarding Parental Obligations – FL-630

Check:

☐ **Declaration for Amended Proposed Judgment**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 through 3 completed as appropriate
- ☒ date signed, printed name, and signature completed by prosecuting attorney

☐ **Amended Proposed Judgment**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ AMENDED box checked
- ☒ **#1 must be marked indicating PROPOSED**
- ☒ #2 through #7 completed as appropriate
- ☒ date signed, printed name, and signature completed by prosecuting attorney

Notes:

- ☐ **Statement of Rights and Responsibilities, pages 3 & 4 of the complaint/summons form, must be attached.**
- ☐ There can be only one amendment without leave of court. If there is to be a 2nd, 3rd amended it requires a court order before filing.

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- ☐ The complaint/summons form allows for initial complaints, supplemental complaints, and/or amended complaints or supplemental complaints to be filed using this one form.
- ☐ A supplemental complaint for paternity and/or support may be filed without leave of court in any proceeding for dissolution of marriage, legal separation, or for the support of the children either before or after a final judgment in the underlying action (FC §2330.1 & 17428).

Process:

- ☒ pull file and compare amended proposed judgment to original proposed judgment to ensure the only change is the financial order
- ☒ file stamp Declaration (**DO NOT FILE** the Proposed Judgment – at this point it is an attachment only)
- ☒ conform copies and return to enforcement agency

Judicial Council form FL-616 follows this page


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PROOF OF SERVICE (CCP §415.10, §417.40)

The proof of service is the document filed with the court record to provide formal proof that a petition and summons were officially served on the respondent in the action. It can be used to establish court jurisdiction over respondent. The proof of service contains an affidavit of the person effecting service showing the date and manner of service and other requirements as set forth by the Code of Civil Procedure.

Require:

Pleadings – presented on the forms as adopted for use by the Judicial Council:

-  Proof of Service of Summons – POS-010

Check:

 **Proof of Service of Summons – POS-010**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201)
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 completed with names of documents served
- ☒ #2 – completed as applicable
- ☒ #3 Service Information
 - manner of service
 - a. personal service
 - b. substituted service – proof of mailing and attach separate declaration of diligence
 - c. mail and acknowledgment, attach completed Notice and Acknowledgment of Receipt; certified mail – attach signed return receipt (must be an address outside California)
 - d. other – specify code section
- ☒ #4 – completed as applicable
- ☒ #5 – complete information of person who served the papers
- ☒ #6 and 7 – completed as applicable
- ☒ date and signature of person who served papers

Process:

- ☒ file stamp the original proof of service and conform the copies

Note:

-  Service can be effected by publication or posting.

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JURISDICTION (CCP §410.50, §410.70)

The jurisdiction of the respondent in an action is the power of the court to subject that party to decisions and rulings made in that case. Jurisdiction may be acquired by the appearance of the respondent in the action **or** by proof of proper service on the respondent. When a default is entered, the jurisdiction has usually been established by the proof of service.

The following is a table of establishing the jurisdiction date based on the type of service:

TYPE OF SERVICE	DATE OF JURISDICTION
Personal Service CCP §415.10	Date of delivery
Substituted Service (with follow-up mailing) CCP §415.20(b)	10 th day after date of mailing (not counting date of mailing)
Mail with Notice and Acknowledgement of Receipt CCP §415.30	Date notice form is signed by Respondent (not the date of receipt)
Certified Mail (outside California; in or out of the U.S.) CCP §415.40 & 413.20	10 th day after date of mailing (not counting date of mailing)
Publication CCP §415.50 GC §6064	28 th day after first date of publication, including the first day, or add six days to the last date of publication
Posting CCP §413.30 <i>Cohen v. Board of Supervisors for the County of Alameda</i> (1971) 20 Cal.App. 3d 236	28 th day after the first date of posting

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REQUEST TO ENTER DEFAULT JUDGMENT FC §17430

In the event a party fails to file and Answer within 30 days (40 days if sub-served) of having been properly served, the enforcement agency may file a Request to Enter Default. No hearing is required prior to the entry of a Default Judgment if all of the documents are in order.



DO NOT ENTER DEFAULT IF:

- ☐ answer or general denial has been filed
- ☐ motion to dismiss pending
- ☐ demurrer and/or motion to strike pending
- ☐ motion to quash pending
- ☐ motion to stay proceedings pending
- ☐ motion to transfer pending

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

-  Request to Enter Default Judgment – FL-620

Check:

Request to Enter Default Judgment

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ date signed, printed name, and signature completed by declarant
- ☒ proof of service on file for jurisdiction over the defendant

Notes:

- ☐ **Be sure to ascertain which complaint, amended complaint, or supplemental complaint this default pertains to. This should be specified in #1 of the default.**
- ☐ **If a Declaration for Amended Proposed Judgment was filed an additional 30 days would be added before a Default was entered**

Process:

- ☒ file stamp and initial Request to Enter Default Judgment
- ☒ complete “For Court Use Only”
 - (1) If granting, mark the box “default entered” inserting date, clerk’s name, and sign as deputy clerk
 - (2) If denying, mark the box “default not entered as requested” state reason and insert date, clerk’s name, and sign as deputy clerk
- ☒ return conformed copy to enforcement agency

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JUDGMENT REGARDING PARENTAL OBLIGATIONS
(Uncontested Actions)
FC §17430

The Final Judgment Regarding Parental Obligations is the same form as the Proposed Judgment. At the default stage it must be reissued with Paragraph 1.b marked to reflect it is a **final judgment** and Paragraph 2.a marked to reflect it is a **default judgment**. The contents in the remainder of the document should be identical to that of the proposed judgment, which was served on the defendant.


Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

-  Judgment Regarding Parental Obligations – FL-630

Check:

 **Judgment Regarding Parental Obligations**


- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ proof of service on file for jurisdiction over the defendant
-  **Pull file and compare judgment submitted with the proposed judgment attached to the complaint. They must match, and include the applicable attachments.**

Process:

- ☒ obtain the court's signature on the judgment
- ☒ file stamp Judgment Regarding Parental Obligations
- ☒ conform the copies including the stamp of the judicial officer on page 2
- ☒ return conformed copy to enforcement agency

Notes:

 **Notice of Entry of Judgment – FL-635**

-  It is no longer the clerk of the court's responsibility to process, file or provide service to the defendant of the judgment or notice of entry of judgment. Family Code §17430(d) "Upon entry of the judgment, the clerk of the court shall provide a conformed copy of the judgment to the local child support agency. The local child support agency shall mail by first-class mail, postage prepaid, a notice of entry of judgment by default and a copy of the judgment to the defendant to the address where he or she was served with the summons and complaint and last known address if different from that address."

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**NOTICE AND MOTION TO CANCEL (SET ASIDE)
SUPPORT ORDER BASED ON PRESUMED
INCOME AND PROPOSED ANSWER
FC §2330.1, 17432**

The Motion to Cancel (Set Aside) Support order must be filed within 90 days from the date of the first collection of money by the Child Support Enforcement Agency or obligee. The 90-day period runs from the date the enforcement agency first receives collection or from the date the Defendant is first served with the notice of collection, whichever date occurs first. **This motion is used only in those instances where the judgment was based on presumed income.**

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income and Proposed Answer – FL-640
- ☐ Copy of the completed Answer to the Complaint, and either Income and Expense Declaration or Financial Statement (Simplified) and copies of tax returns for each year the moving party's actual income was different from the amount used to calculate the support order must be attached to the motion.

Check:

☐ **Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income and Proposed Answer – FL-640**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1a – date, time, and dept/div/room of hearing completed in accordance with local policy
- ☒ #1b address of court
- ☒ #5 completed with address and phone numbers
- ☒ date signed, printed name, and signature completed by declarant
- ☒ completed proof of service on the reverse

Notes:

- ☐ **Must be served on enforcement agency and other parent and the defendant must have someone other than him/herself serve the forms.**

Process:

- ☒ file stamp Notice and Motion and Income & Expense Declaration or Financial Statement.
- ☒ conform copies

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**ANSWER TO COMPLAINT OR SUPPLEMENTAL COMPLAINT
REGARDING PARENTAL OBLIGATIONS
FC §2330.1, 17400, 17402, 17404, 17428, 17430**

The defendant is required to file an Answer within 30 days of service. The new Simplified Answer form permits a defendant to answer and raise defenses by checking applicable boxes. The form also includes instructions for the completion and filing of the answer.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

- ☐ Answer to Complaint or Supplemental Complaint Regarding Parental Obligations – FL-610
- ☐ Completed Income and Expense Declaration – FL -150 OR Simplified Financial Statement form – FL-155

Fee \$ filing fee as required under GC §26820 unless there is a fee waiver by the party under GC §68511.3 (indigent)

Check:

☐ **Answer to Complaint or Supplemental Complaint Regarding Parental Obligations**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 through #6 completed as appropriate with attachments as indicated
- ☒ date signed, printed name, and signature of declarant
- ☒ completed proof of service on the reverse

Process:

- ☒ file stamp and initial Answer to Complaint or Supplemental Complaint Regarding Parental Obligations
- ☒ return conformed copies

Notes:

- ☐ **Must be served on enforcement agency and other parent and the defendant must have someone other than him/herself serve the forms.**
- ☐ **At this point the matter is contested and the LCSA will file a notice of motion to proceed to judgment, or the parties can stipulate to a judgment.**
- ☐ If the defendant denies paternity of any child listed in Paragraph 1 of the Summons and Complaint, genetic testing will be performed to determine parentage for all children for whom a “No” box has been checked.
- ☐ The enforcement agency must pay for the cost of testing, but may get an order for the defendant to pay in the event he is adjudged to be the parent only if the request is in the motion.
- ☐ **The answer must be accepted and filed by the court even if there is no financial information submitted at the same time.**

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JOINDER OF OTHER PARENT FC §17404

These procedures would be used by the enforcement agency or by one of the parties IF a parent is receiving child support enforcement services through the enforcement agency, but the OTHER PARENT is not listed as a party in the support order or judgment.


Family Code §17404 "...The parent who has requested or is receiving support enforcement services of the local child support agency shall not be a necessary party to the action but may be subpoenaed as a witness..."

There are four different methods the "other parent" can be joined to the action:

1. Custodial parent's name included in the judgment;
2. Ex Parte Motion by Local Child Support Agency and Declaration for Joinder of Other Parent – FL-660
3. Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action – FL-661
4. Stipulation and Order for Joinder of Other Parent – FL-663

For #2, Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

-  Ex Parte Motion by Local Child Support Agency and Declaration for Joinder of Other Parent – FL-660

Check:

 **Ex Parte Motion by Local Child Support Agency and Declaration for Joinder of Other Parent**


- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 completed as appropriate
- ☒ date signed, printed name, and signature of declarant
- ☒ #2 - must be complete
- ☒ #3 through 5 completed as appropriate
- ☒ date signed, printed name, and signature of declarant

Process:

- ☒ submit to judge for signature
- ☒ file stamp the document and conform the copies

For #3, Require:

Pleadings – presented on the forms as adopted for use by the Judicial Council:

-  Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action – FL-661

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Check:

☐ Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 completed as appropriate
- ☒ #2 - must be complete
 - #2a complete date, time and dept/room of hearing
- ☒ date signed, printed name, and signature of declarant
- ☒ #3 through 7 completed as appropriate
- ☒ date signed, printed name, and signature of declarant
- Page 3
- ☒ #1 through 3 completed as appropriate
- ☒ date signed, printed name, and signature of person who served the motion

Process:

- ☒ submit to judge for signature
- ☒ file stamp the document and conform the copies

For #4, Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:
Stipulation and Order for Joinder of Other Parent – FL-663

Check:

☐ Stipulation and Order for Joinder of Other Parent

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #2 completed as appropriate
- ☒ date signed, printed name, and signature of all parties to the stipulation i.e. mother, father and representative from the LCSA

Process:

- ☒ submit to judge for signature
- ☒ file stamp the document and conform the copies

Notes:

- ☐ **Must be served on enforcement agency and other parent and the defendant must have someone other than him/herself serve the forms.**

Judicial Council forms FL-660, FL-661 & FL-663 follow this page


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**RESPONSIVE DECLARATION TO MOTION FOR JOINDER OF OTHER
PARENT (FC §17404)**

This form may be used by any party to either consent to or respond to the motion for joinder of other parent.

Require:

Pleadings – presented on the forms as adopted for mandatory use by the Judicial Council:

-  Responsive Declaration to Motion for Joinder – FL-373

Check:

 **Responsive Declaration to Motion for Joinder**

- ☒ filing party information – name, address, phone, and bar number of attorney of record, if applicable (CRC §201);
- ☒ correct court title
- ☒ correct case name and number
- ☒ #1 & 2 completed as appropriate
- ☒ Page 2
- ☒ #3 completed as appropriate if consenting

Process:

- ☒ **(If there is no consent)** file stamp the Responsive Declaration to Motion for Joinder and conform the copies
- ☒ **(If there is a consent)** submit to judge for signature then file stamp the Responsive Declaration to Motion for Joinder and conform the copies

Notes:

- ☐ There is no filing fee to respond to a Motion.

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Judicial Council form FL-662 follows this page

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FAMILY LAW COMMONLY USED CASE NAMES AND STATUTES

Family Law Case Summary

In court, judges and attorneys commonly refer to legal issues by using shorthand expressions. These phrases are generally related to a leading case or some commonly used statute. The most commonly used expressions are listed below:

A. COMMUNITY PROPERTY DIVISION

<i>Epstein Credit</i>	Monetary credit awarded to a paying spouse who made payments on community property debts after separation and wants to be reimbursed at trial.
<i>Watts Charge</i>	A monetary charge against a residential spouse for the reasonable rental value of the family home that she/he exclusively occupied after separation.
<i>Moore-Marsden Calculation</i>	A calculation used at trial to determine the monetary value of a community property interest in one spouse's separate property house.
<i>Lucas Interest</i>	The right to monetary reimbursement to a spouse who shows that she/he invested separate property funds into the acquisition of a community property. Family Code §2640.
<i>Duke Order</i>	An order that allows the economically dependent custodial spouse to keep the family residence after judgment to provide a home for the minor children. Family Code §3800, et seq.
<i>Pereira/VanCamp Interest</i>	When a spouse enters a marriage with a separate property business, the community can acquire a hidden interest in the business even though it remains the separate property of the business owner spouse. <i>Pereira</i> and <i>VanCamp</i> are the two leading cases in this area.
<i>"Gillmore" Rights</i>	In dividing a pension the court will consider a spouse's <i>Gillmore</i> rights. This is the right to have benefits paid to the non-employee spouse at the earliest possible date, irrespective of when the employee spouse elects to take the benefits.
<i>"QDRO"</i> (pronounced "kwod-row")	This stands for qualified domestic relations order. A QDRO is required to be prepared separate and apart from the judgment any time the court has awarded a <i>Brown</i> % share of pension to both parties, and they are going to collect the benefits in the future. The QDRO is served on the pension plan and preserves their respective rights.
<i>"Brown" formula</i>	This is the formula by which the community property interest in an employee spouse's retirement benefit is determined. Many pensions are divided per the <i>"Brown"</i> formula and then a QDRO is prepared.

B. SUPPORT

<i>Richmond Order</i>	When a court sets spousal support award and provides that it will automatically be reduced at a certain date in the future, this is a <i>Richmond</i> "step down" order.
<i>Vomacka Finding</i>	In setting a spousal support award, the court may make a finding that the award is not sufficient to meet the needs of the supported spouse at the standard of living enjoyed during the marriage. This is a <i>Vomacka</i> finding and it allows the supported spouse the ability to seek an upward modification later.

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<i>Gavron Order</i>	A supported spouse must be put on notice of the obligation to become self-supporting before failure to do so can justify a modification. (<i>In re the Marriage of Gavron</i> (1988) 203 C.A. 3d 705). Family Code §4330. “Gavron” warnings were mandatory at one time but now are discretionary.
<i>“Non-custodial Time Share”</i>	This is the element used by the court as a factor in setting guideline support under Family Code §4055. It denotes the percentage of time the secondary custodial parent actually spends with the child[ren].
<i>Jackson Order</i>	Even though child support orders cannot be modified retroactively, the trial court has discretion to quash a writ seeking enforcement where the obligor has actual custody of the child and thus directly discharged the obligation of support. (<i>Jackson v. Jackson</i> (1975) 51 C.A. 3d 363)
<i>Funches Application</i>	If public assistance is provided for a child as a consequence of separation from or desertion by the parent, the parent is obligated to the county for sums equivalent to those the parent would otherwise be obligated to provide in child support under the state guidelines for such awards, however, the court permissibly may make a reduction both of the support award and in the arrearage to below the guideline amount when the reduction is related to the best interest of the child. (<i>City and County of San Francisco v. Funches</i> (1999) 75 Cal.App. 4 th 243)
<i>Smith & Ostler or Ostler & Smith Order</i>	Allows the Court to order that a percentage of any bonus or overtime income be used as additional support. The percentage is usually the amount of monthly support divided by the supporting party’s gross monthly income (<i>IRMO Ostler & Smith</i> (1990) 223 C.A. 3d 33).

C. CHILD CUSTODY

<i>UCCJEA</i>	Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) adopted by all states. It governs the rules behind court jurisdiction over child custody cases where parents or children have moved to different states.
<i>Burgess</i>	Move-away case where it was held that the parent trying to relocate does not have to prove that the move is necessary.

D. PROCEDURE

<i>“Reiflerize”</i>	When the court orders the case will be decided solely on the papers and without a hearing, the court has “ <i>Reiflerized</i> ” the case. This is named after a case allowing this procedure.
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E. MOVE AWAY

<i>Kumar</i>	This is a case where custody jurisdiction remains in the state where the custody order was made as long as one party continues to live in that state.
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CODE OF ETHICS FOR THE COURT EMPLOYEES OF CALIFORNIA

Tenet One	Provide impartial and evenhanded treatment of all persons;
Tenet Two	Demonstrate the highest standards of personal integrity, honesty, and truthfulness in all our professional and personal dealings, avoiding the misuse of court time, equipment, supplies, or facilities for personal business;
Tenet Three	Behave toward all persons with respect, courtesy, and responsiveness, acting always to promote public esteem in the court system;
Tenet Four	Safeguard confidential information, both written and oral, unless disclosure is authorized by the court, refusing ever to use such information for personal advantage, and abstain at all times from public comment about pending court proceedings, except for strictly procedural matters;
Tenet Five	<p>Refrain from any actual impropriety, such as:</p> <ul style="list-style-type: none">• breaking the law,• soliciting funds on the job,• receiving gifts or favors related to court employment,• accepting outside employment that conflicts with the court's duties, or• recommending private legal service providers;
Tenet Six	Avoid any appearance of impropriety that might diminish the honor and dignity of the court;
Tenet Seven	Serve the public by providing procedural assistance that is as helpful as possible without giving legal advice;
Tenet Eight	Furnish accurate information as requested in a competent, cooperative, and timely manner;
Tenet Nine	Improve personal work skills and performance through continuing professional education and development;
Tenet Ten	Guard against and, when necessary, repudiate any act of discrimination or bias based on race, gender, age, religion, national origin, language, appearance, or sexual orientation;
Tenet Eleven	Renounce any use of positional or personal power to harass another person sexually or in any other way based on that person's religious beliefs, political affiliation, age, national origin, language, appearance, or other personal choices and characteristics; and
Tenet Twelve	Protect the technological property of the court by preserving the confidentiality of electronically stored information and abstain from personal use of court computer systems and hardware.

GUIDELINES

The following guidelines clarify and embellish the tenets to which we subscribe:

Guideline for Tenet One IMPARTIALITY

All persons coming to the court for assistance are entitled to fair and equitable treatment, regardless of their personal behavior or legal situation. Court employees must remember that they are often dealing with people who may be having one of the worst experiences of their lives. They must offer to angry, confused, uneducated, and sometimes deceitful customers the same level of competent and policy-neutral help that they provide to those who are pleasant and appreciative. While every court employee has the right to freedom of association or political expression, he or she does not have the right to take sides in a legal dispute, interject himself or herself into the legal decision-making process, second-guess a judge's ruling, or give the appearance of partiality on a political issue that is likely to come before the court. The procedural integrity of the court must be protected at all times.

Guideline for Tenet Two PERSONAL INTEGRITY

The fundamental attitudes and work habits of individual court employees are of vital importance. Honesty and truthfulness are paramount: employees should not, for example, knowingly make omissions on time cards or personnel records; backdate a court document for any reason unless ordered to do so by the court; falsely claim reimbursement for mileage or expenses; double dip from professional associations or other sources; lie about leaving work early for a doctor's appointment; misuse the telephone, facsimile machine, or copying machine; or take supplies home for private use. Each individual employee should also contribute to the integrity of the entire court staff by striving to avoid factionalism and inspire mutual loyalty and trust.

Guideline for Tenet Three PROFESSIONALISM

Employment in the court system is a public trust engendered by the citizens' confidence in the professional knowledge and competency and personal integrity of the officers and employees of the judicial branch. A professional knows every aspect of his or her job and can provide complete, understandable answers to the public's questions. A professional presents a businesslike image of methodical and systematic efficiency and does not abuse the position of power that special knowledge affords. A professional never criticizes a co-worker in public nor denigrates a customer at the counter. A professional raises conflict resolution to an art form, always seeking to preserve the dignity of the individuals involved in a dispute, thereby preserving the dignity of the court. The word "respect" is never far from the professional's mind.

Guideline for Tenet Four
CONFIDENTIALITY

Sensitive information acquired by court employees in the course of discharging their official duties should never be revealed until it is made a matter of public record. Sometimes breaches of confidentiality do not involve intentional disclosure of official court records but are the result of innocent and casual remarks about pending or closed cases, about participants in litigation, or about juries, any of which could give attorneys, litigants, and reporters confidential information. Such remarks can seriously compromise a case or a person's standing in the community. Court staff should discuss cases only for legitimate reasons, and should handle sensational or sensitive cases with great care.

Guideline for Tenet Five
IMPROPRIETY

Improprieties can take many forms. Examples of improper behaviors include seeking any favor, soliciting any gift, or actually receiving any gift or the promise of one, whether it be money, services, travel, food, entertainment, or hospitality that could be construed as a reward for past or future services; improperly intervening to expedite administrative processes; or accepting private employment in conflict with the proper discharge of official court duties. In addition, any mode of conduct that casts doubt upon the integrity and impartiality of the legal system is forbidden. While court employees cannot regulate the conduct of others, they can conduct themselves in a manner that inspires public confidence in the role they play in the pursuit of justice. Proper conduct involves daily and scrupulous affirmation of moral principles and observance of all laws, rules, policies, and procedures.

Guideline for Tenet Six
APPEARANCE OF
IMPROPRIETY

Court employees are expected to refrain from engaging not only in improper behavior, but also in behavior that others might perceive to be improper. Any activity that gives the impression that court employees can be improperly influenced in the performance of their official duties is prohibited. A court employee should not, for example, seek or provide special consideration regarding traffic citations or parking violations; openly discuss the merits of cases pending before the court; or be overly solicitous to litigants or counsel, which could give the appearance of preferential treatment. To gauge the propriety of an action, consider how it would be reported in tomorrow's newspaper. Bear in mind that court employees are required to live up to a higher standard of ethical behavior than the general public.

**Guideline for Tenet Seven
PROHIBITION AGAINST
GIVING LEGAL ADVICE**

Given the experience and visibility of court employees, it is natural for those who deal with the court, including attorneys and litigants as well as the general public, to ask questions such as: "Should I fight this?" "How do I fight this?" "To whom should I go for legal assistance?" "What does the law say?" Court employees can and should patiently explain how to file forms and pay fines, and should clarify legal language and the court's policies attendant to procedural due process. They must not, however, cross the line separating a court employee from a licensed legal practitioner by giving their opinion on the law or, worse, giving their opinion as the law. Court employees should cite this tenet when pressed by those seeking gratuitous legal advice.

**Guideline for Tenet Eight
DUTY TO SERVE**

A major goal of all court employees is to provide accurate and timely information. When giving information to customers, whether orally or in writing, present it in as easily understandable a format as the inquiry allows, and avoid legal jargon whenever possible. Court personnel are employed to serve and should strive to do everything possible to make things easier for customers rather than for themselves or the court organization. The category of customer should extend not only to the general public but also to attorneys, process servers, staff members of other justice agencies, and especially to fellow court employees. Colleagues are internal customers and should have their information service needs met with the same level of dispatch and consideration as external customers.

**Guideline for Tenet Nine
COMPETENCY**

Court employees are encouraged to participate in professional activities and associations, and especially to take advantage of internal and external educational programs to improve their personal and professional skills. The laws and rules under which the courts operate are continually changing as a result of legislative actions, higher court decisions, and evolving values and technologies. Courts and their employees must perform efficiently despite this constant state of flux. Professional development may include attending classes, doing outside reading, participating in professional organizations, and soliciting ideas and information from others both during and after the work day. Court managers at all levels of the California court system should initiate and oversee ongoing professional growth programs for all court employees that include the study of this Code.

Guideline for Tenet Ten
DISCRIMINATION

Each day court employees assist users of court services of many races, religions, national origins, languages, sexual orientations, and varieties of personal appearance. They may deal with accused felons, child abusers, participants in painful dissolutions, those grieving from an injury or loss of a loved one, or people experiencing any one of numerous kinds of human pain or dysfunction. Court employees are expected to treat each other and each user of court services equally and with compassion. Equal access to the court system and equal treatment for all is the cornerstone of the administration of justice. Court employees must expose and discourage discrimination wherever it exists.

Guideline for Tenet Eleven
HARASSMENT

Court employees are to refrain from making sexual advances and insinuations that are inappropriate and offensive, or that could be perceived as such. Harassment may also take nonsexual forms such as verbal, physical, and psychological. The investigation of a harassment complaint is difficult because a determination will often be based on the credibility of the parties. A supervisor is obligated, however, to conduct a prompt and thorough investigation of any allegation of harassment. If the investigation reveals that harassment has occurred, corrective action should be taken immediately. The supervisor should then conduct further inquiry to ensure that the action was effective and that the harasser has not retaliated against the complainant.

Guideline for Tenet Twelve
TECHNOLOGY

Information retained in electronic files should be treated like any other official court document. Its confidentiality should be assumed unless otherwise specified. To preserve the integrity of electronic systems, court employees shall correct any errors or omissions, guard against sabotage in any form, scan and repair viruses when possible, and avoid using court equipment for purposes other than court business. Great care should be taken in the transmission of electronic data so that it would not embarrass the court or the sender if read by an unintended recipient. Court employees may not install personal software or equipment without prior approval of the court executive officer, nor shall they take copyrighted software outside the court for personal use. Questions about the ownership of intellectual property should be directed to an administrator.

FORMS FOR FAMILY LAW COUNTER FILING MANUAL 2005

Form #	Form Name	Section
FL-800	Joint Petition for Summary Dissolution of Marriage	A
FL-810	Pages 7, 9 & 11 from Workbook	A
FL-830	Notice of Revocation of Petition for Summary Dissolution	A
FL-820	Request for Judgment, Judgment of Dissolution of Marriage, and Notice of Entry of Judgment	A
FL-100	Petition- Marriage	A
FL-103	Petition- Domestic Partnership	A
FL-110	Summons	A
FL-105	Declaration Under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)	A
FL-115	Proof of Service of Summons	A
FL-117	Notice and Acknowledgment of Receipt	A
FL-120	Response- Marriage	A
FL-123	Response – Domestic Partnership	A
FL-330	Proof of Personal Service	A
FL-335	Proof of Service by Mail	A
FL-130	Appearance, Stipulations, and Waivers	A
FL-165	Request to Enter Default	A
FL-141	Declaration Regarding Service of Declaration of Disclosure and Income & Expense Declaration	A
FL-144	Stipulation and Waiver of Final Declaration of Disclosure	A
FL-140	Declaration of Disclosure	A
FL-170	Declaration for Default or Uncontested Dissolution or Legal Separation	A
FL-180	Judgment	A
FL-190	Notice of Entry of Judgment	A
FL-191	Child Support Case Registry Form	A
FL-300	Order to Show Cause	B
FL-310	Application for Order and Supporting Declaration	B
FL-305	Temporary Orders	B
FL-306	Application and Order for Reissuance of Order to Show Cause	B
FL-301	Notice of Motion	B
FL-310	Application for Order and Supporting Declaration	B
FL-320	Responsive Declaration	B
FL-410	Order to Show Cause and Affidavit for Contempt	B
FL-411	Affidavit of Facts Constituting Contempt	B
FL-412	Affidavit of Facts Constituting Contempt	B
FL-150	Income & Expense Declaration	B
FL-155	Financial Statement	B
FL-316	Ex Parte Application and Order to Seal Financial forms	B
FL-371	Notice of Motion and Declaration for Joinder	B

FL-375	Summons (Joinder)	B
FL-370	Request for Joinder of Employee Benefit Plan & Order	B
FL-372	Pleading on Joinder – Employee Benefit Plan	B
FL-374	Notice of Appearance and Response of Employee Benefit Plan	B
FL-200	Petition to Establish Parental Relationship	C
FL-210	Summons	C
FL-220	Response to Petition to Establish Parental Relationship	C
FL-260	Petition for Custody and Support of Minor Children	C
FL-210	Summons	C
FL-270	Response to Petition for Custody and Support of Minor Children	C
FL-115	Proof of Service	C
FL-117	Notice and Acknowledgment of Receipt	C
FL-165	Request to Enter Default	C
FL-230	Declaration for Default or Uncontested Judgment	C
FL-250	Judgment	C
FL-240	Stipulation for Entry of Judgment Re: Establishment of Parental Relationship	C
FL-190	Notice of Entry of Judgment	C
FL-191	Child Support Case Registry	C
DV-100	Request for Order	D
DV-101	Description of Abuse	D
DV-105	Child Custody, Visitation, and Support Request	D
DV-108	Request for Order: No Travel with Children	D
DV-110	Temporary Restraining Order	D
DV-140	Child Custody and Visitation Order	D
DV-145	Order: No Travel with Children	D
DV-150	Supervised Visitation Order	D
DV-160	Child Support Order	D
DV-170	Other Orders	D
DV-120	Answer to Temporary Restraining Order	D
DV-125	Reissue Temporary Restraining Order	D
DV-126	How to Reissue Temporary Restraining Order	D
DV-130	Restraining Order After Hearing	D
DV-200	Proof of Service in Person	D
DV-210	What Is “Proof of Service”	
DV-250	Proof of Service by Mail	D
DV-260	Confidential CLETS Information	D
DV-290	Request and Order for Free Service of Restraining Order	D
DV-600	Register Out-of State Restraining Order	D
DV-700	Request to Renew Restraining Order	D
DV-710	Notice of Hearing to Renew Restraining Order	D
DV-800	Proof of Firearms Turned In or Sold	D
DV-810	What Do I Do With My Gun or Firearm?	D
DV-500	Can a Domestic Violence Restraining Order Help Me?	D
DV-505	Forms You Need for a Temporary Restraining Order	D

DV-510	I Filled Out the Forms – What Now?	D
DV-530	How to Enforce Your Order	D
DV-540	Information for the Restrained Person	D
DV-550	Get Ready for Your Hearing (For Restrained Person)	D
DV-560	How Can I Make the Order Permanent?	D
DV-570	Which Financial Form – FL-155 or FL-150?	D
FL-570	Registration of Support Order from Another State	E
FL-440	Registration of Support Order from Another County in California	E
FL-575	Request for Hearing Regarding Registration of Support Order	E
FL-580	Registration of Out-of-State Custody Decree	E
FL-435	Earnings Assignment Order for Spousal Support	E
FL-195	Order/Notice to Withhold Income for Child Support	E
FL-450	Request for Hearing Regarding Earnings Assignment	E
FL-470	Application and Order for Health Insurance Coverage	E
EJ-130	Writ of Execution	E
FL-480	Abstract of Support Judgment	E
ADOPT-050	How to Adopt a Child in California	F
ADOPT -200	Adoption Request	F
ADOPT -210	Adoption Agreement	F
ADOPT -215	Adoption Order	F
ADOPT -220	Adoption of Indian Child	F
ADOPT -225	Parent of Indian Child Agrees to End Parental Rights	F
ADOPT -230	Adoption Expenses	F
ADOPT -310	Contact After Adoption Agreement	F
ADOPT -315	Request to: Enforce, Change, End Contact After Adoption Agreement	F
ADOPT -320	Answer to Request to: Enforce, Change, End Contact After Adoption Agreement	F
ADOPT -325	Judge's Order to Enforce, Change, End Contact After Adoption Agreement	F
AD 2	Stepparent Adoption Consent to Adoption by Parent Retaining Custody	F
AD 2A	Stepparent Adoption Consent to Adoption by Parent in California Giving Custody to Husband or Wife or Domestic Partner of Other Parent	F
AD 2B	Stepparent Adoption Consent to Adoption by Parent Outside California Giving Custody to Husband or Wife or Domestic Partner of Other Parent	F
VS 44	Court Report of Adoption	F
982(a)(17)(A)	Information Sheet on Waiver of Court Fees and Costs	G
982(a)(17)	Application for Waiver of Court Fees and Costs	G
982(a)(18)	Order on Application for Waiver of Court Fees and Costs	G
982(a)(19)	Notice of Waiver of Court Fees and Costs	G
FL-950	Notice of Limited Scope Representation	G

MC-050	Substitution of Attorney – Civil	G
FL-960	Notice of Withdrawal of Attorney of Record	G
982(a)(5)	Request for Dismissal	G
982(a)(5.1)	Notice of Entry of Dismissal and Proof of Service	G
FL-600	Summons and Complaint or Supplemental Complaint Regarding Parental Obligations	H
FL-630	Judgment Regarding Parental Obligations	H
FL-616	Declaration for Amended Proposed Judgment	H
POS-010	Proof of Service of Summons	H
FL-620	Request to Enter Default Judgment	H
FL-630	Judgment Regarding Parental Obligations	H
FL-635	Notice of Entry of Judgment and Proof of Service by Mail	H
FL-640	Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income and Proposed Answer	H
FL-610	Answer to Complaint or Supplemental Complaint Regarding Parental Obligations	H
FL-660	Ex-Parte Motion by Local Child Support Agency and Declaration for Joinder of Other Parent	H
FL-661	Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action	H
FL-663	Stipulation and Order for Joinder of Other Parent	H
FL-662	Responsive Declaration to Motion for Joinder of Other Parent – Consent Order of Joinder	H